CORRESPONDENCE

UPON THE SUBJECT OF

EMIGRATION

FROM

CHINA.

Presented to the House of Lords by Command of Her Majesty.
1855.

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on 31 October, 2019

Correspondence upon the subject of Emigration from China.

No. 1.

Mr. Merivale to Mr. Addington.—(*Received September* 16.)

(Extract.) *Downing Street, September* 15, 1853.

I AM directed to acquaint you, for the information of the Earl of Clarendon, that the Emigration Commissioners took advantage of the simultaneous presence in this country of Mr. White, Emigration Agent in China, Dr. Bowring, Consul at Canton, and Dr. Winchester, First Assistant in the Consulate at Amoy, as well as of Sir Henry Barkly, on his return from the Government of British Guiana, to hold various conferences on the best mode of adding to the security and efficiency of Chinese emigration. Inclosed is a copy of the Commissioners' report of the result of those conferences.

Great difficulty, it will be observed, was felt in devising any plan which should be free from objection, for attempting to establish a general control over all emigration from China in British vessels, whatever might be their destination. The Commissioners describe, in paragraphs 7 and 8, two projects of law which had been thought of for the purpose, but without undertaking themselves to recommend their adoption. The Duke of Newcastle did not feel prepared to advise the proposal of such laws to Parliament.

But I am desired to state that, in accordance with the general opinion expressed by all the officers practically acquainted with the subject, the Duke of Newcastle has directed that emigration to the British West India Colonies should be conducted solely under the management of a responsible agent, and has instructed that agent to use every exertion to make Hong Kong the common starting-place for Chinese emigrants proceeding to the West Indies, only leaving him discretionary power to have recourse to Amoy, if it should be found indispensable, and if there should be no reason to apprehend any abuses or disturbances there, or any collision with the Chinese authorities.

I am desired to inclose, for Lord Clarendon's information, the copy of a despatch addressed on this subject to the Governors of Jamaica, British Guiana, and Trinidad, which will put his Lordship more fully in possession of the mode in which it is proposed that the Chinese emigration to the West Indies should be conducted.

Inclosure 1 in No. 1.

The Colonial Land and Emigration Commissioners to Mr. Merivale.

(Extract.) *Colonial Land and Emigration Office, July* 27, 1853.

1. WE beg to offer the following report on the future conduct of Chinese emigration.

2. Under directions from the Colonial Office, we have communicated

with Sir H. Barkly, the late Governor of British Guiana; Mr. White, late Emigration Agent in China; Dr. Bowring, late Superintendent of Trade in that country; and Dr. Winchester, First Assistant in the Consulate at Amoy; and we annex the copy of a letter on the subject of Chinese emigration, which embodies the views of the latter gentleman, in which Dr. Bowring concurs.

3. We will first report on the general emigration from China which is carried on in British ships, and next on that which is carried on to and at the expense of the West Indian Colonies.

4. The abuses which have attended the general Chinese emigration, especially to Cuba and Peru, need hardly be specified. It is alleged that great malpractices are resorted to in the collection of emigrants on shore; that on shipboard they are ill fed, ill treated, and grossly overcrowded; and that they are treated like slaves in some of the countries to which they are taken.

5. It would appear difficult to deal with abuses which take place in collecting foreign emigrants in a foreign country, having its own political and judicial organisation, and jealously alive to any interference with that organisation. Nor do we observe that Dr. Winchester, in the annexed paper, recommends any such interference. Whether practicable or not, it does not seem to be a matter on which this Board could offer any useful suggestions.

6. In order to secure that the emigrants are properly treated on the voyage, Dr. Winchester suggests—first, that heavy penalties should be imposed on British ships taking emigrants from any other port in China than those which are or may be open to trade with foreign countries; and secondly, that British ships proceeding from these last-mentioned ports should be brought within the Passengers Act. And as it is highly conceivable that disputes may arise out of this emigration which may bring foreigners into collision with the authorities or people of China, he further proposes that the Superintendent of Trade should be invested with the power of prohibiting emigration altogether from any given port, if emergencies should arise requiring such a step.

7. The effect of enforcing any rigid regulations at the legal ports of China might be to drive British ships to unauthorized ports where they would be still less under surveillance than they now are at Amoy. And this probability is strengthened by the fact that the tumults at Amoy have already produced an emigration from the unauthorized parts of Namoa and Cumsingmoon. How far the force at the disposal of the Superintendent of Trade or British Consuls is sufficient in any supposable state of the law to prevent such a result, is a matter on which we can form no judgment. But assuming it to be sufficient, and therefore that a law passed for regulating emigration from the open ports, and prohibiting it from all others would not be a dead letter, we do not doubt that an Act of Parliament for that purpose would be extremely beneficial. It is true that Her Majesty possesses unlimited power of legislation by Order in Council for her subjects resident within China under the Act 6 & 7 Vict., cap. 80; but regulations imposed under this Act would be only enforceable within 100 miles of the coast, and therefore not in any British Colony which the ship might reach, or on the high seas where she might be stopped by British cruizers. The British Passengers Act, however, would require modification in its application to China.

11. The power of temporarily suspending emigration in British ships, with which it is proposed to invest the Superintendent of Trade, might operate to deter the better class of shipowners from engaging in a trade liable to such a risk. But we feel a difficulty in offering any opinion on a proposal which apparently rests very much on a political necessity, that of guarding our relations with China from disturbance.

12. With regard to Dr. Winchester's further proposal, that emigration in British vessels to foreign slave-colonies (in which emigration the great abuses have occurred) should be prohibited, we would observe, first, that in cases of determined fraud, such a prohibition would probably be evaded by a system of false clearances; and next, that most embarrassing ques-

tions must arise as to the form of slavery or degree of ill-treatment which would justify us in preventing emigration to this or that foreign country.

15. In treating of the West Indian emigration, we should, perhaps, commence by stating what has already been done. Three ships have arrived in British Guiana and two in Trinidad; the subjoined table shows the numbers embarked in each, the number of deaths, and the number landed alive.

Ships.	Embarked.	Deaths.	Landed.
British Guiana.			
Glentanner	305	43	262
Lord Elgin	154	69	85
Samuel Boddington	352	52	300
	811	164	647
Trinidad.			
Australia	445	13	432
Clarendon	254	3	251
	699	16	683

Besides which, the "Lady Flora Hastings," calculated to carry about 320 emigrants, has left China for Trinidad, and the "Emigrant" for Demerara. We regret to learn, however, that the "Emigrant" has been detained at Hong Kong by a fever which has broken out.

16. The British Guiana emigration is purely on bounty; that to Trinidad under our agreement with Messrs. Hyde, Hodge, and Co. The "Glentanner" and "Lord Elgin" fell under no Government inspection whatever. The remaining ships were more or less inspected, though without any legal power of interference, by Mr. White.

17. Both in British Guiana and Trinidad the emigrants appear to have given great satisfaction to their employers. Sir H. Barkly, in his despatches of the 26th of February and 3rd of May last, describes them as intelligent and energetic, with great respect for authority, and a perfect appetite for earning money by labour. And the letters inclosed in Lord Harris' despatch of the 22nd of April last give the same account of their intelligence, willingness, and aptitude for work. And there seems every reason for hoping that they may prove as valuable in the West Indies as they have in the Eastern Archipelago, where they are described as carrying prosperity with them wherever they go.

18. Trinidad has not applied for any more emigrants: but British Guiana has applied for 1,500, and we are informed that 2,000 have been promised to Jamaica. If the wish of the Court of Policy of British Guiana is acceded to, we shall therefore have to take measures for the emigration of 3,500 adults from China. In recommencing the emigration, however, it is necessary to take such steps as shall disjoin it, as far as possible, from abuses, shall avoid the risk of collision with the Chinese people or authorities, and shall secure proper treatment of the emigrants on the voyage.

19. With all these objects, the Court of Policy of British Guiana, and the West India Committee, concur in desiring that Mr. White should resume his post of Emigration Agent in China; and the West India Committee are desirous that his salary should be increased to 1,500*l.*, which is the present salary of Mr. Caird; Mr. White, on his part, engaging to remain in China till the 3,500 Chinese now ordered are dispatched to British Guiana and Jamaica.

20. In these recommendations of the West India Committee, we beg to express our concurrence. The extremely precarious nature of the

employment would render it very difficult to find a person ready to accept it, who united the qualifications of tact and activity with knowledge of the wants of the West Indies, and of the circumstances of Chinese emigration, and who also had the advantage of possessing the confidence of the West Indian body. And it is most important for the success of an undertaking on which so much depends that Government emigration, at its commencement, should be superintended by a gentleman possessing these advantages. We may also point attention to the circumstance that, of the three ships dispatched after his arrival in China, two reached their destination with a very trifling mortality, while the third was dispatched under circumstances so unfavourable as to afford no fair test of the advantages of Government supervision, if indeed such supervision can be said to have taken place. In the ships dispatched without any such superintendence, it will be seen that the mortality was deplorable.

21. We would submit, therefore, that Mr. White should, for the present, receive the same salary as the Emigration Agent at Calcutta, whose operations, though no doubt of much greater magnitude, are also much less delicate than those entrusted to Mr. White.

22. If Mr. White returns to China as Emigration Agent, it is agreed by all with whom we have communicated that the head-quarters of the emigration should be placed at Hong Kong, and that ships should be solely dispatched from thence, until circumstances should render it practicable, without risk of abuse, to resume Government Emigration from Amoy. This was the unanimous opinion of Dr. Bowring, Dr. Winchester, and Mr. White, and, we believe, of gentlemen concerned in the West Indies.

23. A difficulty, however, will arise from the operation of the English Passengers Act.

24. The space required for immigrants by the Indian law, and actually allowed to coolies emigrating to Mauritius or the West Indies, is 12 superficial feet per statute adult; but the Passengers Act requires, in voyages through the tropics, 15 feet. This Act has, of course, no effect in Chinese ports, and therefore the emigration could be there carried on on the footing of the Indian law. But in Hong Kong, as in all British Colonies, the English Act is in force, and would have the effect of reducing the complement of ships employed in the Chinese emigration by no less than 25 per cent., and, we are informed, of raising the cost of passage 2*l.* or 3*l.* per adult—a very material consideration when a transaction affecting 3,500 emigrants is in question.

25. We have before adverted to this question, and had hoped, before reporting upon it, to have obtained some decisive experience of the Chinese emigration. But this is not the case. In the three ships sent to British Guiana a great mortality occurred; but of these, the first and second had long and harassing voyages, leaving China during the south-west monsoon, the second and third carried a greater number of passengers than was allowed even by Indian law, and also suffered from bad water and damaged rice. From these voyages, therefore, no sound inference can be drawn. On the other hand, the "Australia," which took emigrants to Trinidad with the allowance of 15 feet per adult, lost a very small proportion of passengers, and might be adduced as showing the advantage of that rule. But in the "Clarendon," where the emigrants had only 12 feet each, the deaths were in a still smaller proportion, being little more than 1 per cent.

26. The Committee in British Guiana who examined into the case of the "Lord Elgin," recommend generally an adherence to the Passengers Act; but we do not find that Mr. Barkly considers the Indian law inadequate, and it will be seen that Dr. Winchester, who has a knowledge of the Chinese, considers the allowance of 12 feet in a ship 6 feet high to be sufficient. It should be added, that in the cooly emigration the mortality has usually proceeded from specific causes, unconnected with crowding or ventilation, and gives no reason for supposing that the space now allowed is insufficient.

27. On the whole, therefore, we see no sufficient reason for adopting a different rule in the Chinese and Indian emigrations; and we would suggest that the space required should be reduced to 12 feet.

28. We are aware that much disappointment will be experienced by

those who are urging this emigration, unless these inconveniences can be removed.

29. The questions, therefore, which arise, are:

(1). Whether Mr. White should be reappointed Emigration Agent on the terms above described?

(2). Whether the emigration should be confined to Hong Kong, with a power (perhaps with the concurrence of the Superintendent of Trade) to extend it to Amoy?

(3). Whether the space required may be reduced to 12 feet per adult by Act of Parliament?

30. On these questions the gentlemen connected with the West Indies are extremely anxious to obtain an immediate decision, as it is evidently important that Mr. White should be enabled to leave England by the next India packet (the 4th of August), and that before that time an endeavour should have been made, if possible, to take up shipping. The north-west monsoon, which blows from September to March, inclusive, is the only season during which it is advisable to carry on emigration, and if 3,500 emigrants are to be dispatched, the commencement of operations ought, if possible, not to be deferred till the middle of October, as they would be if Mr. White were detained till the end of next month.

31. The remaining points of importance which require notice (for we do not trouble the Duke of Newcastle with questions of pure detail), are the furnishing interpreters, and the obtaining women.

32. On the former point we can only trust to the Emigration Agent to do what is possible. A few may possibly be obtained at the Missionary and Government Colleges at Penang and Singapore. But from all we hear, it is a matter of great difficulty, even on the Chinese coast, to obtain the services of trustworthy English who can really speak Chinese, or trustworthy Chinese who have a competent knowledge of English. Mr. White is fully alive to the necessity of obtaining such persons, and of course will be authorized to incur the necessary expense.

33. With regard to women, Dr. Bowring and Dr. Winchester deprecate in the strongest manner any attempt to set on foot a purely female emigration. They say that such an attempt could only result in a wholesale purchase and shipment of prostitutes; that it would be in violent opposition to Chinese law and custom, and might very probably lead to collision with the Chinese authorities; and finally, they state their anticipation that the presence of such women on shipboard would lead to the most violent quarrels among the male emigrants. All this, even independently of the authority on which it rests, our own experience of emigration would lead us readily to believe. But Drs. Bowring and Winchester do not see the same objection to encouraging the emigration of females as wives to the male emigrants by some special bounty. They do not indeed think that attempts of this kind will lead to much result, female emigration (except of the least creditable kind) being wholly unprecedented; and they urge, with obvious justice, the necessity of caution in any steps of this kind. As, therefore, Mr. White is not without hopes that such an emigration may be gradually set on foot through Hong Kong, we think that he should be authorized to embrace any opportunity that might offer of inducing emigrants to take out wives with them, even though for that purpose a considerable increase should be necessary of the customary advances to male emigrants, which now amount to two months' wages *i.e.*, eight or ten dollars.

34. We annex printed copies of Mr. White's proposed notices to the Chinese, forms of agreement and instructions to captains of vessels and surgeons, which appear to be drawn up with care and judgment. We are not aware, however, that they call for any comment from us.

Inclosure 2 in No. 1.

Dr. Winchester to Dr. Bowring.

(Extract.) *Oriental, July* 22, 1854.

IT appears that the present object of the West Indian interest is to confine the proposed emigration for the next season to the port of Hong Kong. There seems to be no reasonable objection to this, provided the parties abstain from attempting to embark females.

Hong Kong is certainly quite as much, if not more suitable as a station than either Macao or Cumsingmoon.

The Passengers Act empowers the Governor of Hong Kong to establish such changes in the scales of accommodation and diet as the peculiar nature of the emigration will require.

The acts of the parties carrying it on will be under the supervision of the magistrates. Arrangements for imparting full information to the coolies brought by the native agents from the mainland may be easily enough made.

I think that the objections to the embarkation of females are insurmountable.

The families of emigrant Chinese never have hitherto accompanied them; any one acquainted with Chinese habits of thought and dispositions will at once see the improbability of any attempt being successful or productive of other ends than trouble and dissension. It is true a few women might be obtained, but in what manner and of what class? They must be bought outright in the stews of Hong Kong, Macao, and Canton. I do hope that Government will not permit its Colonial agents to enter into the market for the purchase of prostitutes. Such a practice would throw disgrace and opprobrium on the whole scheme and the English name in the eyes of the Chinese.

A few details as to the way in which the numbers of this unhappy class are kept up, will disclose considerations more than sufficient to deter the Government from allowing their agents to tamper with this matter. Female children are little valued by the Chinese, and among the poorer labourers are considered an incumbrance, many of whom are got rid of by infanticide, but many more are sold at various stages of infancy to bawds and other nefarious characters.

Some few, when grown up, are sold as concubines and second wives to Chinese; others, and by far the greater number, are either let or sold to houses for purposes of prostitution. A perusal of the judicial proceedings in the Hong Kong papers will lead to a full acquaintance with the accidents and accompaniments of this system. I have read many cases similar to the one I am about to detail:—A was indebted to B, and being unable to pay, made over his concubine to him, in pledge, for a term of years; B did not retain her in his own family, but let her out for the term to C, who took her to an establishment in Hong Kong. A follows his concubine, and complains to the English magistrate that his wife is illegally detained from him; and on inquiry, the facts of the case came out. In this way, there are three liens on this wretched woman. It is in this system that it is proposed to mix up the English name.

Hong Kong is at too great a distance to be suitable as a depôt for for emigration from Fokien; and if it were not so, it would not be desirable to use it as such. The disputes and dissensions between the people of the two provinces, consequent upon the general dislike entertained by all other Chinese to the Cantonese; their clan feuds; the great difference of dialect;—would render it highly dangerous to embark them together in the same vessel. It does appear to me, however, that under certain provisions the emigration might be safely as well as profitably resumed at Amoy.

These provisions involve our prohibiting the employment of English vessels in the transport of Chinese emigrants to foreign slave Colonies; and I propose putting down, as shortly as may be, a few of the reasons which seem to require this restraint, as well those which have reference to

the just and fair treatment of our own Colonies, and such as are consequent on the barbarous and dreadful scenes which have been acted under the sanction of our flag.

1st. English vessels taking emigrants to our dependencies are amenable to colonial regulations equivalent to the restrictions of the Passengers Act, which even now the proclamation of the Governor may put in force against them at Hong Kong; whereas English vessels carrying emigrants to Cuba are under no limits or regulations as to numbers, diet, water, medical treatment, &c., except at Hong Kong, where they will take good care not to load or anchor.

2ndly. Emigration to English colonies under the English flag will only be permitted at Hong Kong and the four northern ports under the sanction of Government, whereas Namoa and other places are and may be resorted to by English vessels seeking coolies for Cuba, no power to prevent them having hitherto been exercised. In this way, all the superior facilities consequent on the employment of the English flag, are made to work out an unfair advantage to a foreign slave-holding community.

3rdly. All the odium arising from the cruelties, disturbances, and bloodshed in English vessels carrying emigrants to foreign Colonies, is attached generally to the English name. As long as this practice is allowed, the Chinese are not in a position to distinguish between the two emigrations. They believe that emigration in one English ship is the same as another; and I have no doubt that this prohibition would enable them to separate in their own minds the systems so essentially distinct, and increase their belief of the superior advantages to be found in the English Colonies where their labour is wanted.

4thly. We owe it essentially to humane consideration, that men received on board English vessels as passengers shall be properly treated. We do not enforce this in reference to the emigration to Cuba. If the restrictions of the Passengers Act were extended to English vessels sailing from the dominions of the Emperor of China with coolies to Cuba, &c., they would be in no worse position than English vessels taking men to our own Colonies.

5thly. From the statement of Her Majesty's Consul-General in Havana, it appears that the Chinese immigrants are considered and treated as slaves.

Should this be the case, it becomes a duty to prevent our ships and subjects engaging in the promotion of a service allied to slavery and the Slave Trade. If the Chinese emigrants have been subjected by vice-regal proclamation to the treatment or condition of slaves, the contracts made with them in Amoy have been signally violated. In three years, the first contract emigrants by the "Duke of Argyle" and "Oquendo" will have completed the term of their indenture. It will be most desirable to direct the Consul-General to watch narrowly if, after its expiration, the Chinese are allowed to carry their labour into the market as freemen, or are compelled to enter into further agreements.

Such are the reasons, and they are certainly not without weight, which raise the question as to the propriety of allowing foreign emigration from China under the British flag. I need scarcely say that the chance of collision between the subjects of the two Governments would be much narrowed by this prohibition. The character of responsible emigration agents, like Mr. White, is a guarantee against those gross improprieties which led to bloodshed in the streets of Amoy.

I need scarcely say, that the remarks made in reference to female emigration apply perhaps with greater intensity to Amoy. I think this matter is not of so much consequence, or rather in a few years will not be of so much consequence, as gentlemen connected with the West Indian interest seem to apprehend. I have no doubt the Chinese will readily amalgamate with the females they find in the country they are going to. They have no feelings of caste to restrain them in this direction, as the Hindoo coolies have. The natives of India in the Straits never intermarry with the Malays, whereas in three or four generations the Malay-Chinese females have become so numerous as to afford a sufficient supply for the Chinese population.

The ultimate character of the emigration will greatly depend on the reports the original emigrants bring back of the Colonies. If they return in good circumstances, the example will not fail to be rapidly caught up by the needy about them. It appears to me that the Local Legislatures would do well to afford occasional facilities to a few of the best behaved labourers to return. This might be made strictly a reward of good conduct, without creating anything like an obligation to provide return passages.

I am of opinion that twelve feet superficial would be a fair allowance of room during the transport of the coolies to the West Indies.

Inclosure 3 in No. 1.

Mr. Macgregor to the Colonial Land and Emigration Commissioners.

West India Committee Room, 12, *Old Jewry*,
Gentlemen, *July* 27, 1853.

WITH reference to the communications that have taken place relative to the arrangements for conducting the emigration from China to the West India Colonies next season, I have now the honour to state, as the opinion of this Committee, that considering the great importance of having a well-qualified agent, the cost of living at Hong Kong, and the prevalent unfavourable rate of exchange there, Mr. White's services ought to be engaged forthwith at a salary of 1,500*l.*

I have, &c.
(Signed) A. MACGREGOR.

Inclosure 4 in No. 1.

The Duke of Newcastle to the Governors of Jamaica, British Guiana, and Trinidad.

Sir, *Downing Street, September* 10, 1853.

1. I HAVE to acquaint you that advantage was taken by the Emigration Commissioners of the simultaneous presence in this country of Mr. White, Emigration Agent in China, Dr. Bowring, Consul at Canton, and Dr. Winchester, First Assistant in the Consulate at Amoy, to hold various conferences on the best mode of adding both to the security and to the efficiency of Chinese emigration. At some of these conferences the Emigration Commissioners had also the valuable assistance of Sir H. Barkly's presence. I inclose, for your information, extracts, containing the material parts relative to the West Indies, of a Report which the Emigration Commissioners addressed to me at the close of these conferences.

2. I have sanctioned the re-appointment of Mr. White to be Emigration Agent for the West Indies in China, and also the increase of his salary, which has been recommended by the West India Association, from 1,200*l.* to 1,500*l.*, this last being the remuneration of the Emigration Agent at Calcutta. In authorizing these steps, I have felt no doubt that I have been consulting the general wish of gentlemen interested in the West Indies, owing to the confidence which they have displayed in the judgment and ability of Mr. White.

3. Different circumstances have, I understand, hitherto retarded his departure, but it is intended that he should now start by the very first opportunity.

4. It appears desirable in every point of view, and is recommended by all the officers who are practically acquainted with the subject, that Hong Kong should, if possible, be made the common starting-place for all Chinese emigrants bound to the West Indies. Mr. White will be directed

to use every effort for that purpose, leaving him, however, a discretionary power to have recourse to Amoy, if it should be found indispensably necessary, and if there should be no reason to apprehend any abuses or disturbances there, or any collision with the Chinese authorities.

5. But the Commissioners explain, you will see, that there can be no chance of establishing this service at Hong Kong if the provision of the British Passengers Act, which required fifteen superficial feet for every passenger conveyed through the tropics, should be kept in force at that place. This provision was undoubtedly introduced into the law chiefly with a view to the wants of passengers of the European race sailing from the United Kingdom. In the East Indies, where the Passengers Act does not apply, the Legislative Council of India have only required a space of twelve feet for every coolie conveyed to the West Indies: and a long and extensive experience has shown that no sickness on the part of the coolie emigrants can be assigned to this cause. I therefore introduced into Parliament a Bill, which has since passed into law, empowering the Governors of the Colonies to declare by proclamation that in ships sailing from places in their respective Governments a space of twelve instead of fifteen feet should suffice for natives of Asia or Africa who were to be conveyed through the tropics. I have requested the Governor of Hong Kong to make use of the power conferred upon him by this Act, and to declare by proclamation that, at all events for the season of the north-east monsoon, an allowance of twelve superficial feet for each passenger should be sufficient.

6. The procuring of interpreters, and also, if possible, of an admixture of females amongst the emigrants from China, are both of them objects of importance, and both surrounded by many difficulties. Mr. White will be directed to give to each of them his earnest attention, and to do the best which circumstances will admit.

I am, &c.
(Signed) NEWCASTLE.

No. 2.

The Earl of Clarendon to Sir George Bonham.

Sir, *Foreign Office, September* 19, 1853.

YOU will learn from the Secretary of State for the Colonial Department, in your capacity as Governor of Hong Kong, the system under which it is at present intended that the arrangements for procuring Chinese emigrants for the British Colonies should be conducted; and it is therefore only necessary that I should refer you to the communications on the matter which you will receive from the Colonial Department.

I am, &c.
(Signed) CLARENDON.

No. 3.

Mr. Merivale to Mr. Addington.—(Received March 29.)

(Extract.) *Downing Street, March* 28, 1854.

I AM directed by the Duke of Newcastle to transmit to you, for the information of the Earl of Clarendon, a copy of a letter from the Colonial Land and Emigration Commissioners, transmitting copies of a correspondence with Mr. White on the subject of Chinese emigration to the West Indies.

Inclosure 1 in No. 3.

The Colonial Land and Emigration Commissioners to Mr. Merivale.

Colonial Land and Emigration Office,
February 25, 1854.

Sir,

1. WE beg to inclose copies of two letters which we have received from Mr. White, with the answer which we have returned to those letters. It is not possible, however, that this answer can be received before the emigration has practically terminated.

2. It will be seen that little chance exists of chartering ships in China, but that Mr. White has authorized Messrs. Tait and Co. to send one or two vessels (if they can be procured) from Namoa—a step which we cannot refrain from regretting.

3. It appears to us that no better course can be adopted for commencing a healthy female emigration than that adopted by Mr. White; but we do not feel very sanguine of his immediate success.

4. We trust that next year, being at liberty to advertise for shipping at a far earlier period, we shall be able to secure a supply of European surgeons.

5. The emigration is as yet of so uncertain a kind, that we could not recommend that the expense of constructing a depôt should be incurred. But we think it might be very desirable to obtain the opinion of some Government officer on the spot; and we would suggest that if the emigration proceeds, the Governor would be instructed to direct the Surveyor-General, or some other competent officer, to place himself in communication with Mr. White on the subject respecting the expediency of such a step, the expense which would be necessary, and on any means which Government might possess for facilitating the construction of a building adequate for the purpose.

(Signed) T. W. C. MURDOCH.
FREDERIC ROGERS.

Inclosure 2 in No. 3.

Mr. White to the Secretary to the Colonial Land and Emigration Commissioners.

(Extract.) *Hong Kong, December* 10, 1853.

SINCE I had the honour of addressing you by last mail, several vessels have arrived, suitable for the emigration service; but they have all been taken up at rates very far exceeding those which I am authorized to give, and are principally under charter for California.

2. As an instance of the high rates of freight now current, I may mention that Mr. Comstock, agent on behalf of the Panama Railway Company (of whom I made mention in my last), offered a few days ago 70 dollars for the conveyance of labourers to Panama, and to put 700 on on board, the charterer finding water, and fittings, and everything necessary. The vessel (the "Wilhelmsburgh") registers 900 tons, and according to the English Passengers Act could not carry more than 450 emigrants. But 700 passengers at 70 dollars each, is equivalent to 450 at 109 dollars; and this latter is the sum I would have to offer, in order to place matters on a par. In addition to the freight for the emigrants, the charterer engaged, if required, to furnish a cargo of guano from Peru for New York. The whole offer has however been declined, and the vessel is now under charter for California. This statement will show the Commissioners how little prospect there is of procuring shipping for the West Indies during the present season.

3. As it is possible that some stray vessels may call in at Amoy, without knowledge of the high freight current here, I have authorized Messrs. Tait and Co. to take them up on my account; and I annex copy of the letter I have addressed them on the subject. I effected this

arrangement only on the condition required by them, that they should receive a commission for placing emigrants on board (from Namoa), and although this is contrary to my expressed wish, that the emigration should be conducted from Hong Kong, I thought it best to accede to it under present circumstances, for I see little prospect of getting vessels in Hong Kong; and if I had rejected the proposal made to me by Messrs. Tait and Co., I would lose the chance of any vessels that might arrive at Amoy, for they would unquestionably be taken up, under a similar engagement, for the Cuban emigration.

4. If emigration is to be carried on from this port continuously (or at least for a few years) and systematically, and in a manner creditable to the Government, it is absolutely necessary to have a depôt. Here emigrants may be collected, and be prepared for embarkation, so that no delay shall arise when the vessel is ready to receive them; and here they will be protected from the possibility of fraud on the part of the collecting agents. The present method of bringing them together two or three days before the vessel leaves, and then shipping them off, without sufficient preparation or inquiry, leaves open the door for all manner of abuses, in spite of the best exertions of the emigration agent. But the establishment of a depôt, whether afloat or on shore, will be attended with some expense, and with the little prospect there is of obtaining shipping this season, I do not wish to incur any expense that may be avoided, without having the previous sanction of the Commissioners. A hulk, such as would answer the purpose of a depôt afloat, will cost at present from 3000*l.* to 4000*l.* The town of Hong Kong, at the foot of an abrupt hill, offers few conveniences for building; and I have been unable to find any place but one suitable for the purposes of a depôt. This place comprises three lots of land (on which there are buildings now in a nearly ruinous condition, as the parties to whom they belonged have allowed them to lapse to the Crown, rather than pay a heavy ground rent), and is nearly three acres in extent, and situated on the shore of the bay. The Surveyor-General informs me that the three lots may be had for 300*l.* a-year, but they cannot be made available for the purposes of a depôt, until the Governor, who resides at present in a house adjoining one of these lots, shall have removed into the new Government house now in course of erection. The repairs to the old buildings, and the erection of the new ones that may be required will, on a rough calculation, cost from 1,000*l.* to 1,500*l.* If emigration from China is likely to be carried on for a few years, I recommend the establishment of a depôt afloat or on shore (the latter only as being the most economical); but if it is to be uncertain and desultory, the expense of a depôt may be saved. And in this case the emigrants required may be obtained as well through the agency of a respectable mercantile house, as by the instrumentality of a Government agent.

5. No emigration from China will be safe or satisfactory, until some of those who have left return with favourable accounts of the West Indies; and till this takes place, the respectable Chinese will continue to regard this emigration with suspicion and distrust. If the accounts be favourable, the emigration may become, to a great extent, self-supporting; for thousands will be eager to emigrate, and will gladly undertake to pay at least a portion of the passage money as soon as their confidence has been secured.

6. I have already stated, frequently, that I see no prospect of procuring women, except by purchase, direct or indirect. If the Government will authorize me to advance money for this purpose, I have no doubt of success. Girls of respectable connection may be obtained for about 40 dollars, of 10 to 15 years of age; and I propose to pay this amount to a few of the more respectable emigrants, and leave them to make their own arrangements on condition of their marrying the women before the departure of the vessel. When favourable accounts are brought from the West Indies, by returned Chinese emigrants, it may become unnecessary to resort to this method to procure women and children; but until that takes place, if my information be correct, there is no probability of obtaining women, without purchase; for such is the universal custom of the country.

8. There is no prospect of obtaining a European surgeon. None can be obtained here, and the vessels from Australia, California, and India do not bring any. If I succeed in procuring vessels, I shall have to dispatch them with Chinese surgeons instead, and if it be made imperative for the future that European surgeons must be employed, it will be necessary to make arrangements for this purpose in England. Upwards of 40,000 Chinese have left this for California without surgeons (except their own), and I am not aware that any epidemic has broken out, or that any untoward accident has occurred to mar the success of a single voyage. Almost everything depends on the captain; and the surgeons likely to be picked up here, are men whose services would probably be of little or no value. The surgeon of the "Emigrant," who was engaged at a high salary for the voyage to Demerara, died of delirium tremens from sheer drunkenness, a few days after the voyage had been abandoned.

9. As to emigration generally, I see no reason to doubt that any number of people may be obtained that the resources of the West India Colonies may afford.

That portion of the Cuban emigration which is established at Macao is, except as to the overcrowding of the vessels, on a satisfactory footing, and is likely to be of a permanent character.

An extensive and increasing emigration is going forward to California. Numbers of Chinese return from there, and go back again after having made such purchases as they think likely to yield profit. Hardly a week passes without vessels arriving from and leaving for San Francisco, so that the intercourse is regular and well established. There are now in harbour two English vessels of considerable size, which have been purchased by Chinese expressly for this trade, and a line of packets has been lately established by a respectable firm, with vessels advertised to sail at stated periods. The emigration to California may, therefore, be considered as thoroughly well established, and as likely to increase yearly, at least for some years to come.

As yet little or nothing has taken place in emigration to Australia; but as a few Chinese have recently returned from there, and have brought with them a good deal of gold, it is expected that emigration will set in to Australia in the same manner as to California.

The Peruvian Consul at Canton has recently issued a notice, "that the Peruvian Government conceive it undesirable to encourage the importation of Chinese coolies into Peru, and will henceforth decline to enforce the observance of any contracts that may be entered into between shippers and coolies." This will in all probability check the shipment of labourers to that quarter.

The "Sea Witch" (American) is now in harbour, and proceeds shortly to Namoa, to take labourers for the Panama railway. Her upper deck has been housed over from the mizen forwards, so that she will carry nearly as many passengers on this deck as on her 'tween deck, and, in all, many more than would be permitted by the English Passengers Act. The agent for the Company has not been able to charter any vessels here, although he is authorised to give very high terms for the conveyance of labourers. The "Sea Witch" was chartered at New York, and was fitted out there for her present occupation.

Inclosure 3 in No. 3.

Mr. White to Messrs. Tait & Co.

Sirs, *Hong Kong, December* 9, 1853.

IF any vessels arrive at Amoy suitable for the emigration service I shall feel obliged by your taking them up on my account, for the conveyance of 500 to 600 emigrants to British Guiana, and a similar number to Jamaica; the first vessel to go to Jamaica. The ship to provide wood, water, and the necessary fittings, and a European surgeon, if one can be

obtained, and the amount to be paid must not exceed 14*l.* 1*s.* sterling, or 70 dollars, for every emigrant landed. I name this sum as the maximum, and trust you will be able to procure freight at lower rates.

You are aware of the stringent provisions of the English Passengers Act, and I must urge you not to employ any vessel that is not unexceptionally seaworthy, and in every way suited for the comfortable conveyance of emigrants. They must be carefully surveyed.

I wish these vessels to take emigrants from Namoa, and if you will inform me when a vessel has been chartered, I will, if possible, meet her at that place.

I have arranged with your Mr. Tait as to the commission you will be entitled to charge for this service, and also as to the probable outlay for local charges, and for provision and clothing to the emigrants, amounting in the aggregate to 24 dollars; and if two months' wages, or 8 dollars, be paid in advance, the total sum required per man will be 32 dollars, which sum I shall be prepared to advance as soon as I am informed that a vessel has been taken up for the service.

The provisions must be of the best quality, and the supply of water abundant; but on this and other points connected with the emigration, I will write hereafter.

To obviate the inconvenience and dissatisfaction that appears to have arisen in the West Indies by deducting 1 dollar a-month from the wages of the emigrants, so as to refund to the Colonies the 8 dollars advanced here, I think it would be well, instead of having any reference to these 8 dollars in the contract, merely to stipulate that, for the first eight months after their arrival, they will be entitled to receive as wages (exclusive of food, &c.) only 3 dollars a-month, after which they will be placed on the full allowance of 4 dollars. Interpreters are absolutely necessary.

I am, &c.

(Signed) JAMES T. WHITE.

Inclosure 4 in No. 3.

Mr. White to the Secretary to the Colonial Land and Emigration Commissioners.

Sir, *Hong Kong, December* 26, 1853.

1. NOTHING of any interest connected with emigration has occurred since I had the honour of addressing you on the 10th instant.

2. Very few vessels have arrived, and these all under previous engagements, so that the rates of freight are fully as high as they were, and as there is a great deal of Chinese produce on hand, waiting for shipment, it is probable that they will go even higher.

3. No vessels have been taken up here, either for Panama, Peru, or Cuba, but M. Jorgé has purchased another vessel (now at Manilla, under the French flag) for the Cuban emigration.

4. As an indication of the high rates of freight now current, I may mention, that a vessel being required for the conveyance to England of the invalids of the 59th Regiment, tenders were called for in the usual form, but only one vessel was offered (the "Enterprise"), and the rate required 45*l.* per man. Last year the rate was 30*l.* This tender was rejected, but an arrangement has since been made by which the rate per man is reduced to 40*l.*, the difference being made up, or nearly so, by the freight payable on stores that are to be sent home, and by other concessions.

5. Upwards of 800 Chinese have returned from California since the 10th instant. A passenger on board one of the vessels that brought 300 informs me that they appeared, all of them, to have plenty of money, and that they stated their intention of returning to California as soon as they had seen their friends and enjoyed the festivities of the New Year. The return of Chinese under such favourable circumstances must naturally stimulate emigration to that quarter, and the communication is now so certain and so frequent that it cannot fail to become of considerable importance.

6. Subjoined is a memorandum furnished to me by M. Jorgé of the three vessels dispatched by him at the close of the last emigration season. It is singular that the mortality was least on board of the vessel that was most crowded.

	Tons.	Coolies.	Died.
Sophia	240	250	17
Viaganté	..	300	51
Victoria	500	400	53
		950	121

The mortality on board of the "Viaganté" was caused by scurvy, which broke out ninety days after leaving this, and he attributes it entirely to the negligence of the captain.

The mortality on board the "Victoria" he attributed to her being dispatched "too late in the season; about the end of March."

7. He has made arrangements for this season with parties residing at Anjer, and at the Cape of Good Hope and St. Helena, to furnish his vessels with whatever provisions or supplies may be required; and he makes it imperative upon the captains to call at Anjer for fresh vegetables and pigs, and at the Cape of Good Hope or at St. Helena, or at both, if necessary, for the same purpose, taking sheep at the Cape instead of pigs. These arrangements are good, and might be adopted with advantage in our West Indian emigration; for the various breaks in the voyage, and the frequent supply of fresh vegetables and water, must conduce to the health, comfort, and cheerfulness of the emigrants.

8. Difficulties, however, occur in spite of his precautions and care. By late advices from Singapore, I learn that the "Adamastor," of 400 tons, dispatched by M. Jorgé for Cuba in last October, with upwards of 300 coolies on board, had put into that port, the captain being compelled to this step under the threat of losing his life. The coolies deserted the ship immediately after her arrival, and the voyage was necessarily abandoned.

9. Incidents such as this deter captains from embarking in the emigration service. And to show the general feeling that prevails on the subject, I annex the copy of a letter from the consignee of the "Jamestown," to whom I had made an offer for the conveyance of emigrants to Jamaica.

10. The proper season for emigration is passing away so rapidly, that I have taken upon myself the responsibility of offering 80 dollars for the passage of emigrants to the West Indies. This sum, payable on arrival, is equal to 16*l.* 13*s.* 4*d.* The provisions, clothing, and local charges will amount to about 25 dollars, which, at the current high rates of exchange, will not be less than 6*l.* 6*s.* 8*d.*, making in all 23*l.* This is an amount beyond which the Commissioners would not, as I apprehend, authorise me to advance, nor would any such advance be sanctioned by the Local Governments.

I have, &c.
(Signed) JAMES T. WHITE.

Inclosure 5 in No. 3.

Mr. Hubbett to Mr. White.

Sir, *Canton, December* 10, 1853.

INFORMED through Captain Moore you are very desirous of getting forward coolies to Jamaica, and ready to pay very liberally, considering the scarcity of tonnage, I am induced to solicit an offer for the "James-

town." I send this by express boat, as time is an object, and the voyage for this ship already marked out for Manilla; still your offer may be an object for me to abandon the latter, therefore you must send me your very best terms, as on receipt of same I shall either accept them, or close my despatches to Captain Moore for Manilla.

Let your offer be very clear; say dollars per head for 500, or as many more as the ship can take in her 'tween decks.

Freight to be paid on the number shipped, less 2 per cent. in the event of any mortality, amounting to more than that per-centage; and no further abatement in any case, not excepting the possibility of the ship stopping on the voyage and the men escaping.

Ship to find water and fuel, and to be dispatched on the 1st January, or sooner if possible.

Freight to be paid in Spanish dollars, on arrival of the ship at Jamaica.

It is unnecessary to send me an offer coupled with receiving freight on the number of coolies landed, as it will not be considered for a moment.

So much has been said of your readiness to pay a ship more liberally than present rate of freights will yield, I shall be most happy to abandon the Manilla voyage of the "Jamestown," and meet you promptly: but remember the last clause, as I cannot take the slightest risk of being disappointed in the out-turn of the freight.

As the post-boat may give me your reply earlier than the bearer of this can return, better write by it.

I have,, &c.
(Signed) H. W. HUBBETT.

Inclosure 6 in No. 3.

The Secretary to the Colonial Land and Emigration Commissioners to Mr. White.

Colonial Land and Emigration Office,
(Extract.) *Park Street, Westminster, February* 24, 1854.

I AM directed by the Colonial Land and Emigration Commissioners to acknowledge your letters of the 10th and 26th December last.

The Commissioners regret much that you should have been unable to procure any shipping for emigrants for the West Indies. They entirely approve of your having increased your offer to 80 dollars a-head. They also fully approve the proceedings which you propose to take in regard of obtaining women, understanding your intention to be this: that as wives are, in fact, obtained by purchase in China, you will furnish some of the emigrants procured by you with the means of effecting marriages in this the usual manner, taking care that the connexion thus formed is one of a nature as legitimate and obligatory as the law and usage of China renders possible.

With regard to your intention to employ native surgeons, the Commissioners cannot but feel much apprehension, especially observing the large mortality which has taken place in two out of the three ships dispatched by M. Jorgé to Cuba. They trust that if you find yourself forced to have recourse to this class of persons, you will have spared no pains to secure as capable a person as can be obtained.

The Commissioners would not as yet feel at liberty to sanction the expenditure of money in a depôt. The emigration from Hong Kong is at present experimental, not a single cargo of emigrants having been yet collected at that port. The Commissioners are glad to observe that you anticipate no difficulty in obtaining emigrants; but they do not think so large an expense (which does not appear to be indispensable) should be incurred, at least till those anticipations have been tested by experience. There is, however, one point in your proceedings to which the Commissioners cannot advert without great regret. Your instructions authorise you to dispatch emigrants from Hong Kong, or, if necessary, from Amoy. But you state that you have entered into an engagement with Mr. Tait for dispatching vessels from Namoa. Emigration from Namoa is, as you

are aware, in direct violation of our Treaties with China; and on that account, when emigration was set on foot from that port last year, it elicited an immediate remonstrance from the Foreign Office. The Commissioners trust, therefore, that no emigrants will have been dispatched from that or any other locality which is not legally open to British trade.

The Commissioners have perused with much interest the account which you give of the emigration to Cuba and other destinations.

They are glad to perceive that a stop has been put to an emigration alleged to be connected with so many abuses as that to Peru.

Inclosure 7 in No. 3.

Mr. Merivale to the Colonial Land and Emigration Commissioners.

(Extract.) *Downing Street, March* 17, 1854.

I AM directed by the Duke of Newcastle to acknowledge the receipt of your letter of the 25th ultimo, transmitting copies of two letters from Mr. White, reporting his proceedings in connexion with the emigration of Chinese to the West Indies, together with the copy of the answer you have returned to Mr. White.

I am to acquaint you in reply, that the Duke of Newcastle approves of your answer to Mr. White; and his Grace has directed the Governor of Hong Kong to instruct the Surveyor-General of that Colony to place himself in communication with Mr. White respecting the establishment of a depôt, in the case of the continuance of emigration, and to report his opinion respecting the expediency of such a step.

No. 4.

Mr. Addington to Mr. Merivale.

(Extract.) *Foreign Office, April* 4, 1854.

I HAVE laid before the Earl of Clarendon your letter of the 28th ultimo,* inclosing correspondence between the Colonial Land and Emigration Commissioners and Mr. White, the agent employed in China, to procure Chinese coolies for the West Indies.

Lord Clarendon directs me to request that you will state to the Duke of Newcastle, that he has seen with surprise the deliberate disregard shown by Mr. White for the Treaty engagements between Her Majesty and the Emperor of China, and for Her Majesty's Order in Council of the 24th of February, 1843, in sanctioning the repair to Namoa for the purpose of embarking coolies of a vessel chartered by him; and Lord Clarendon cannot consider an expression of regret on the part of the Commissioners as sufficient to mark the disapprobation of Her Majesty's Government of so irregular a proceeding. It will be impossible for Her Majesty's servants in China to enforce the observance by British subjects of the Treaties between the two countries, and of Her Majesty's Orders in Council for giving effect to them, if a person in the employment of the British Government is suffered to take upon himself to disregard them altogether.

Lord Clarendon directs me further to state, that he has read with great alarm the plan proposed by Mr. White for procuring female emigrants, which appears to his Lordship to afford an opening for the greatest abuses, and in fact to set on foot a trade little different from the Slave Trade.

It is notorious that no respectable Chinese woman will voluntarily expatriate herself; and the offer of a bounty to Chinese men to procure women to accompany them is calculated, Lord Clarendon apprehends, to lead to most mischievous results. It may be perfectly true that in China, as in some other countries, marriage may be a matter of bargain and sale; but Lord Clarendon conceives that it is very desirable that the

* No. 3.

British Government should take no part, directly or indirectly, in such transactions.

Lord Clarendon will transmit to Sir John Bowring copies of the inclosures in your letter; but he will point out to him at the same time that for any infringement of the Treaties between Great Britain and China, and of the Orders in Council for carrying them into effect, Mr. White, though in the employment of Her Majesty's Government, is equally with other British subjects responsible.

No. 5.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, April 5,* 1855.

I TRANSMIT to you herewith, for your information, a copy of a letter and its inclosures from the Colonial Office respecting Mr. White's proceedings as agent for procuring Chinese coolies for the West Indies, and a copy of the answer which I have directed to be returned to it.*

It is impossible not to view with some alarm Mr. White's plans for obtaining female emigrants; and I have to instruct you to pay particular attention to this point, and to report to me whether there is any probability of respectable females being induced to emigrate from China, now that the disposition of the male population to emigrate is so strongly manifested, without the parties who engage in promoting their emigration appearing to afford, directly or indirectly, countenance to a trade partaking of the character of the Slave Trade.

Considering the tenour of Mr. White's letters, and his avowal of his having deliberately consented that a vessel chartered by him should repair to Namoa, I think it right to state to you that Mr. White's character as an agent acting for the British Colonies will not screen him from being, equally with other British subjects, responsible for any infringement of the Treaties with China, and of the Orders in Council for carrying them into effect.

I am, &c.

(Signed) CLARENDON.

No. 6.

Mr. Merivale to Mr. Hammond.—(Received June 26.)

Sir, *Downing Street, June* 12, 1854.

I AM directed by the Duke of Newcastle to transmit to you, for the information of the Earl of Clarendon, with reference to Mr. Addington's letter of the 4th April, the inclosed copy of a report from the Commissioners for Colonial Lands and Emigration, explaining the views which they entertain of the proposal made by Mr. White, the Emigration Agent in China, for making advances to Chinese emigrants to enable them to purchase women in marriage, according to the customs of their country. The Commissioners advert also to the dissatisfaction expressed by Lord Clarendon at the insufficiency of the notice taken by them of the unlawful proceedings adopted by Mr. White for dispatching vessels from Namoa, and they point out that they had expressed great regret at this proceeding, reminding Mr. White that it was in direct violation of Treaties, and expressing their trust that no emigrants would be dispatched from that or any other port not legally open to British trade.

Mr. White is on his way back to this country, and it is not intended that he should be employed again. Any other agent who may be sent out will be duly apprised that, if he should knowingly and contrary to his instructions adopt any proceedings in violation of the Treaties with China, he will be held, equally with any other British subject, amenable to the law.

* Nos. 3 and 4.

Lord Clarendon will observe that the Commissioners desire to be favoured with his Lordship's authority in confirmation of the views which they entertain of the admissibility of proceedings for the collection of emigrants elsewhere than at the legalized ports, for the purpose of being embarked at Hong Kong, where it has been proposed to form an emigration depôt. It is by means of such a depôt whither emigrants may be drawn from the Chinese territory, and whence they may be shipped from British ground, and under British authority, that it is conceived the emigration can be carried on successfully without abuse or disorder, and free from risks of collision with Chinese authorities. But it must be some time before Chinese desiring to emigrate, will learn to find their way to Hong Kong of their own accord, without suggestion, information, or assistance, and no objection appears to be made by the mandarins to the collection of emigrants either at the legalized ports or elsewhere.

The observations of the Commissioners on the proposal for offering bounties on married couples, or advances to emigrants to enable them to marry, appear to the Duke of Newcastle to be deserving of Lord Clarendon's fullest consideration. It is stated by the Commissioners that women of the large-footed class are habitually bought by procuresses as slaves, and either hired out as prostitutes or sold as wives. It is possible that these women through their ignorance may desire rather to remain in China as slaves and prostitutes than to be married and free in a British Colony: and it will, perhaps, be contended that it is right and proper to respect their preference. But if so, they will remain in their own country, subject to every species of pernicious restraint and oppression in order that they may be spared a constraint which would be for their benefit and for their best interests.

I am directed to inclose to you, for Lord Clarendon's information, a copy of a despatch which his Grace has addressed to the Governors of Jamaica, British Guiana, Trinidad, and Mauritius. His Grace thinks it necessary to warn the Colonies concerned in the emigration from the east that it cannot be permitted to proceed upon the present footing as to the disparity of the sexes.

I am, &c.

(Signed) HERMAN MERIVALE.

Inclosure 1 in No. 6.

The Colonial Land and Emigration Commissioners to Mr. Merivale.

Colonial Land and Emigration Office,

(Extract.) *May* 2, 1854.

1. WE have to acknowledge your letter of the 20th ultimo, inclosing one addressed by Mr. Addington to Mr. Peel respecting certain proceedings, or rather intentions, of Mr. White, the emigration agent in China.

2. As this letter appears to imply a censure on the sentiments which we are understood to have expressed, we think it necessary to offer some explanations on the points referred to in it.

3. Mr. White had proposed to embark coolies at Namoa, which is not one of the authorized ports. After animadverting on this proposal, Mr. Addington states that Lord Clarendon cannot consider an expression of regret on the part of this Board as sufficient to mark the disapprobation of Her Majesty's Government at this proceeding, and notices the evil consequences which must result from suffering a person in the employment of the British Government to disregard altogether the Treaties between England and China.

4. We presume that these expressions in Mr. Addington's letter refer to the second paragraph of our report of the 25th of February, in which, after noticing Mr. White's intention, we merely characterized it as "a step which we could not refrain from regretting." But we cannot help thinking from the concluding expression of the paragraph that Lord Clarendon's attention could not have been drawn to the terms of our letter to Mr. White which forms one of the inclosures to the above report, and in which we meant certainly to convey a decided censure as

to the past, and an unqualified prohibition of dispatching emigrant ships from Namoa, or any other unauthorized port for the future. Our words were as follows:

"There is, however, one point in your proceedings to which the Commissioners cannot advert without great regret. Your instructions authorize you to dispatch emigrants from Hong Kong, or, if necessary, from Amoy; but you state that you have entered into an engagement with Messrs. Tait, for dispatching vessels from Namoa. Emigration from Namoa is, as you are aware, in direct violation of our Treaties with China, and on that account, when it was set on foot from that port last year, it elicited an immediate remonstrance from the Foreign Office. The Commissioners trust, therefore, that no emigrants will have been dispatched from that or any other locality which is not legally open to British trade."

5. We hope, however, that in condemning the dispatch of any vessels under Government authority, from the neighbourhood of Namoa, it is not intended also to prohibit the shipment at Hong Kong, by the Government agent, of emigrants obtained by persons acting under agreement with him, from that or other parts of China. Such a prohibition would confine the operations of those who contracted to furnish emigrants to the great seaport towns, at which, we need hardly say, the least well-disposed, healthy, and (for the purpose of agricultural work) serviceable emigrants are likely to be procured. Amoy is the spot where the greatest abuses have taken root, and from which some of the worst bodies of emigrants have been shipped. Of Whampoa, Macao, or Cumsingmoon, Sir J. Bowring writes,* that the coolies shipped there "would probably be the veriest dregs of the Canton population, and would very probably require a guard to preserve subordination." While of Namoa, Commander Fishbourne, in his report on the malpractices and injustice prevalent at Amoy, writes as follows :†

"26. I visited Namoa, or more properly the anchorage in the Shantow or Swatow river, but there were no vessels, except the opium vessels; two, however, had been there, and they took about 500 coolies.

"27. I was informed by Mr. Gerard, of Dent and Co.'s house, that there were no cooly brokers; that the coolies flock down in hundreds to go with the consent of the mandarins, and that it was necessary to have cooly sheds. He further said, that frequently in his walks he was accosted by men anxious to emigrate, and indeed we had not arrived many minutes when two men came off and offered themselves.

"28. They appeared to be a much better description of people, and Captain Guard said there was not nearly so much disease amongst them as amongst those at Amoy, and that they were quite astonished at the amount of provisions provided for them."

6. It is fair to add, that Mr. Harvey‡ who visited Namoa with Commander Fishbourne, suggested that competition would arise between the merchants, and before long give rise to some catastrophe; but on the other hand this prediction, which was made on December 22, 1852, has not at present been verified.

7. We trust, therefore, for the sake of the character, and indeed safety, of the emigration, that it will not be thought requisite to confine the operations of collection, as well as the dispatch of ships, to the great ports.

8. The question of a female emigration is a far more anxious one. The overpowering necessity for such an emigration in the present cases, arises from the fact that the form of depravity which is to be anticipated from a purely male emigration, already exists among the Chinese, and we can scarcely doubt that the absence of females would ultimately accumulate an amount of vice which would be intolerable.

9. The immediate supply of any large number is no doubt impossible.

* Parliamentary Papers, August 20, 1853, page 19.
† Ibid., page 89. ‡ Ibid., page 44.

Every emigration not carried on by a wholesale compulsion, must, we apprehend, in its outset be male. Neither in China, India, nor England, can any large number of females, still less of respectable females, be persuaded to leave their country till their new home has been tested by an emigration of those who are more able to face the dangers of the experiment. In China this feeling amounts to a superstition, which is but slightly, if at all, giving way* to an increased knowledge of foreigners and facility of conveyance. But we must not shrink from stating our conviction that the present emigration ought not to be carried on at all, if we are to give up the hope that a female emigration may follow it at no distant period, and that every year during which that emigration is deferred, involves great moral evils.

10. In treating this question, therefore, we are to consider (if the emigration is to go on) not whether any particular proposal is open to objection, which is unfortunately inevitable, but what steps the Government is authorized, and, if authorized, bound to adopt, to arrest or mitigate a pressing danger.

11. We have endeavoured, both from the reports printed for Parliament, and from communications with those conversant with the country, to ascertain the real position of females in China, without which the difficulties of the case can hardly be appreciated. We are told that a Chinese, even of the labouring class, is usually betrothed as a child by his parents to a girl who ultimately, but by no choice of his own, becomes his wife. This first wife is of the small-footed or "respectable" class; but there is another class of women—the large-footed—who are principally slaves. These are also taken as additional wives by those who have the means of purchasing and supporting them, and the marriages thus contracted, we understand to be of as permanent a nature as those which follow on betrothal.

12. But the state of Chinese society and morals is such, that a large number of females (who would otherwise probably be destroyed) are purchased before they are of an age to know their parents—otherwise, as a Chinese observed to us, they would run away home—by procuresses, and are brought up with a view to being either sold as wives, or hired as prostitutes. This wretched trade appears scarcely to be considered as degrading in China, and we are informed that a Chinese who has the requisite means, will, without hesitation, proceed to an establishment of this kind, and purchase a wife from it, without reference to her previous life.

13. Such being the habits of the country, we are told that it is highly improbable that parents would sell their children for expatriation, but that a Government bounty upon married couples would no doubt give occasion to purchases and marriages of this kind. And whatever may be thought of the state of morality which renders this possible, we cannot but point out that, as far as the woman is concerned, the result will be to raise her from the state of slavery under Chinese, to that of freedom under British law, and from such prospects as were then before her to the position of a wife. Nor is such a transaction open to the objection to which even the redemption of slaves in Africa is justly liable, namely, that it is an indirect and powerful premium on first reducing them to slavery. If it had any effect at all of this kind, it would operate to discourage infanticide.

14. We cannot help hoping that these considerations will be held to constitute a substantial difference between the proceedings recommended by Mr. White and the Slave Trade.

15. But the particular point to which we are anxious to draw the Duke of Newcastle's attention is this,—female emigration appears to us a moral necessity. The emigration of the only class of women who are not objects of purchase in China is not to be expected. The direct agency of Government in purchasing any is of course out of the question, and much more that wholesale purchase of women, of which the idea has been more

* Parliamentary Papers, August 20, 1853, page 28, Mr. Parkes's letter. Sir John Bowring, p. 23.

than once thrown out. Almost equally impossible is it that any emigrant who from the nature of the case is a pauper, should be or have been able to procure a wife of the lower and purchaseable class. If, therefore, emigrants may not receive from Government the means of obtaining wives according to the custom of their country, it is difficult to see what escape is in prospect from the mischiefs of a male emigration.

16. We presume that the letter of Mr. Addington will be considered as closing the question for the present; but we hope that if we are instructed to appoint an emigration officer at Hong Kong, we may be allowed to direct him to inquire carefully into the subject, and to report whether, in his opinion, any means exist of commencing female emigration generally, and in particular whether it would be possible to enable emigrants to obtain wives without running the risk of inflicting on the women expatriation without their consent, in which risk we presume the similarity between the proposed transaction and the Slave Trade consists.

17. The question of course occurs, whether an emigration which presents an alternative of such difficulties should be continued at all? Nor would it be easy to rest under the responsibility of conducting it, but for considerations, which though obvious, we would venture to call to mind.

18. As regards China, this emigration is to transfer thousands, and may result in transferring hundreds of thousands, from a country in which the pressure of population renders famine not unfrequent, and female infanticide habitual, to one in which their physical well-being is, humanly speaking, certain; and where we may venture to hope they will be brought within the reach of fresh influences from law and religion.

19. As a matter of commercial interest, the Chinese in the East are represented as, by their industry, carrying prosperity with them wherever they go; and every account confirms the hope that they may be of the greatest value in supporting West Indian cultivation, which it would seem impossible to support without immigration from the East.

20. And anything which supports that cultivation has far more than a commercial value, as the abandonment of estates now so long in progress not only risks a relapse of the negroes into barbarism (of which it is alleged that symptoms are already discernible in the remoter parts of Jamaica), but tends materially to encourage the production of sugar by slave labour.

Inclosure 2 in No. 6.

The Duke of Newcastle to the Governors of Jamaica, British Guiana, Trinidad, Mauritius, &c.

(Extract.) *Downing Street, June* 12, 1854.

I INCLOSE for your information copies and extracts of a correspondence* between this Office, the Foreign Office, and the Commissioners for Emigration, arising out of a proposal made by Mr. White, the Emigration agent in China, to procure female emigrants from that country by making advances of money to male emigrants for the purchase of women in marriage according to the customs of China.

You will perceive that the Earl of Clarendon regards the proposal with great alarm as involving the instrumentality of the British Government in promoting the sale of Chinese women for expatriation without their consent, and that the Emigration Commissioners defend it on this ground, amongst others, that in China female children are habitually either destroyed or sold as slaves to procuresses to be brought up as prostitutes, and that it were better they should be sold in marriage to be taken to a free country.

When an agent shall be again sent to China, he will be instructed to report, on the one hand, whether the offer of a bounty to men who have been enabled to marry from their own resources will be available to procure the emigration of married couples, or on the other whether the offer of a bounty in advance to male emigrants to enable them to marry, can be

* No. 3 and Inclosures, No. 4, No. 6, and Inclosure 1 in No. 6.

so guarded as to ascertain that marriages shall not take place, in virtue of the advance, without the consent of the woman to the marriage and to the emigration.

I send you this correspondence in order that you may be aware of the very serious questions which are arising out of the disproportion of the sexes in the emigrations from Asia hitherto effected or set on foot.

It is necessary to apprize you that unless the difficulties of redressing this disproportion can be in one way or another overcome, the emigration cannot be permitted to proceed. Her Majesty's Government cannot incur the reproach of forming over again in the West Indies and Mauritius such male communities as were formed in the earlier part of this century in Australia.

So long as the emigrants went to the West Indies to labour for a term of five years, and no more, with a purpose, to be duly executed, of returning to their country and families at the end of that term, the evil of being unaccompanied by their wives, great as it was, might not be regarded as intolerable. But first the practice was adopted of inducing the coolies to commute their back passages and engage themselves to remain for a second period of five years; and next the Court of Directors sanctioned an original contract for a ten years' residence, and the result must be expected to be that the greater number of the East Indian emigrants will never return, whilst the Chinese, who make no stipulation to have a back passage provided for them, will also in all probability settle in the Colonies to which they are brought.

These facts and prospects give an importance to the disproportion of sexes, which it is impossible any longer to overlook, and unless that disproportion can be rectified it will be indispensable that the emigration should be brought to a speedy termination, deeply as that necessity would be to be lamented.

No. 7.

Mr. Hammond to Sir George Bonham.

Sir, *Foreign Office, June* 28, 1854.

I AM directed by the Earl of Clarendon to transmit to you, for your perusal, the accompanying correspondence* between this office and the Colonial Department respecting the proceedings of Mr. White, the Emigration Agent employed in China to procure Chinese coolies for the West Indies.

Lord Clarendon considers that it is of the utmost consequence that the emigration of Chinese labourers should not be discontinued, but that it is equally important that it should be conducted under proper regulations, and that the evils resulting from a disparity of the sexes should as far as possible be prevented; and I am to request that bearing these points in mind, and the probable operation of establishing a depôt at Hong Kong, you will favour his Lordship with your opinion upon the inclosed papers.

I am, &c.

(Signed) E. HAMMOND.

No. 8.

Sir George Bonham to Mr. Hammond.—(Received July 5.)

(Extract.) *Mivart's Hotel, Brook Street, London, July* 4, 1854.

I HAVE the honour to acknowledge the receipt of your official communication of the 28th ultimo, transmitting for my perusal and report copies of a correspondence between the Foreign Office and the Colonial Department, respecting the proceedings of Mr. White, the Emigration

* Nos. 3, 4, and 6.

Agent employed in China to procure Chinese coolies for the West Indies.

After a careful perusal of these papers, and from experience acquired in China, I am bound at once to observe that the general question of emigration from that country, as well as the best mode for carrying it into effect, is one surrounded by very great difficulties. On the one hand, I am duly impressed with the great importance of obtaining Chinese labourers for our West India Possessions; whilst on the other, the disparity of the sexes, and the obstacles in the way of procuring female emigrants, render the subject one of anxiety and serious consideration. But as Lord Clarendon wishes to have my opinions on the subject, it only rests to consider in what manner our wants can best be supplied, without leading to abuses in the collection of coolies, and without those evils which would follow from a disparity of the sexes. I need not add, that I offer the following observations with no very sanguine hope that they will be considered to meet the difficulties at present existing, though perhaps on the whole the Earl of Clarendon may not deem them undeserving of some attention.

I shall first advert to the question mooted in the papers, of establishing a depôt at Hong Kong, where coolies are to be collected for shipment. No doubt this would be a very desirable step, and under proper regulations, and with the assistance of the Colonial authorities, would work in a satisfactory manner; but I cannot yet perceive how such a depôt can be fully supplied. As the Duke of Newcastle observes in Mr. Merivale's letter of the 12th of June to your address, "some time must elapse before Chinese desiring to emigrate will learn to find their way to Hong Kong of their own accord, without suggestion, information, or assistance." The Earl of Clarendon will, no doubt, be aware that the Chinese population settled in Hong Kong is not of a nature likely to yield many emigrants, most of the Chinese residing on the island being in business, or connected more or less with the interests of the place. We have therefore to look to the mainland for labourers: and here lies the difficulty. Supposing the men about Canton, Macao, Whampoa, and Cumsingmoon, to be eligible for emigration (upon which there seem to be contradictory statements, though M. Jorgé, of Macao, mentioned in Mr. White's letter of the 10th December, 1853, appears to be satisfied with the natives of these localities), the employment of collecting agents to be sent inland appears indispensable; and on this point our experience at Amoy has shown us the necessity for great caution and circumspection, for it is almost impossible to guard against the extortions and villanies perpetrated by these native agents.

If, on the other hand, agents are dispatched further north, say to Amoy and its vicinity (Namoa for instance), it may be no easy matter to induce the emigrants to repair to so distant a place as Hong Kong for the purpose of being kept there until shipped, to say nothing of the frauds likely to be perpetrated if kept too long at the depôt; and the distance between the two places would render the proceedings of the native agent whilst charged with the collection of the labourer less liable to be checked and overlooked.

I am aware that these are matters of detail which we ought to leave to the Emigration agent to settle, but I only mention them because it is advisable to consider this serious question under its several aspects.

For my part I would propose the collection at the ports of trade of such coolies as were willing to emigrate, and who had been obtained by fair, legitimate, and open means made known to the British and Chinese authorities on the spot; and if men were not to be had at these places, I would not object to their being obtained at any other port, provided the Chinese authorities did not interfere. I am aware that emigration is prohibited from China by some old obsolete law, which is all but ignored, and certainly neglected and set aside by the mandarins on every possible occasion, as experience has shown, not alone in the case of those Chinese who have repaired to the Straits Settlements, Java, Borneo, Manilla, and all the Eastern Archipelago, but likewise of late years in the outpourings of the country to the gold mines of California, and lately to Australia.

And under these circumstances, and with these precedents, perhaps the best mode of dealing with the subject might be to inform the Chinese authorities at the legalized ports that they cannot possibly object to the British authorities assisting in and superintending the fair and honest emigration of Chinese subjects, since it is notorious that the system is carried on under their own eyes, and with their connivance and concurrence, in a manner not free from abuses and risks, whilst the plan proposed by us would be based upon proper regulations, which would satisfy all parties concerned and entirely do away with past abuses. If their consent, whether positive or implied, could be obtained, one great difficulty would then be overcome; for in that case the emigration agent might proceed to the port where he hoped to obtain the greatest number of eligible men, and there, with the assistance of the British authorities, make the needful arrangements, without incurring the risk of those evils and serious difficulties which proved so embarrassing at Amoy in November 1852. It seems to me that under proper surveillance and control, and under the responsibility of an emigration agent, assisted by the British Consul, the system cannot but work in a satisfactory manner. If eligible coolies are to be obtained at Namoa, which is not far from Amoy, I really cannot perceive why the same men are not to be procured at Amoy itself by issuing bills and placards, and seeing that the promises therein set forth are duly and implicitly carried out.

The Land and Emigration Commissioners, in their letter to the Colonial Office of the 2nd May, state that Amoy is the spot where the greatest abuses have taken place, and from which some of the worst bodies of emigrants have been shipped. But in making this statement, it should have been added under what circumstances these men were obtained. In my opinion Amoy as a depôt is perhaps more eligible than Hong Kong, if the same official control be exercised at that port as it is intended should be the case in Hong Kong; for the Province of Fokien offers more advantages for the collection of eligible labourers than the Canton Districts.

In making the above remarks, I assume, of course, that the consent, implied or otherwise, of the Chinese authorities will have been obtained; for unless such be the case, emigration from China will find its head-quarters at places not legalised by Treaty, and therefore beyond our control and superintendence, or it will be necessary to revert to the system of a depôt at Hong Kong, which will be supplied by collecting agents, whose proceedings whilst travelling in the country it will be difficult to check. This question, as I have already stated, offers difficulties on all sides, and renders a decision not easy to be arrived at.

The next point to be considered is that resulting from a disparity of the sexes, and here again I must at once confess that this difficulty appears to me of a nearly insurmountable nature. It is notorious, as the Earl of Clarendon observes, that no respectable Chinese woman will voluntarily expatriate herself. Such a wish is against her notions, her feelings, her prejudices; her mind is as incapable of grasping at or comprehending the benefits to be derived from emigration, as it is difficult for us to understand the workings of her brain or the train of reasoning by which she arrives at her conclusions. I am satisfied no couple, however slender their means may be in China, will leave their home, with its family associations, to proceed to some far distant and unknown country, with the uncertain hope of increasing those means. It does not require a twelvemonths' residence in China to obtain as clear and definite an opinion upon this subject as it is possible to possess, and a reference to the papers and correspondence of those parties, whether officially engaged or otherwise, who have written or been mixed up in any shape in coolie emigration matters, will more than confirm this opinion. We are, therefore, as a last resource, thrown upon the lowest in the scale of women, to form our stock of female emigrants; for if, as the Land and Emigration Commissioners state, male emigrants are from the nature of the case to be considered as paupers, it will be no difficult task to appreciate the status of the female portion thereof. Those that will be procured will either have been bought up as slaves, and sold as prostitutes, or they will already have carried on

their trade as common prostitutes for many years, and become willing to effect a change of locality for the sake of increased profit and advantages. That these kind of women have no objection to emigrate, we have sufficient proof, in the number who find their way to California; and shortly before my departure from Hong Kong, half-a-dozen of these women, who had collected a large sum of money in San Francisco, returned, and by means of the tempting bait held out, induced some thirty or forty other young girls to accompany them back to California, and all these actually left China for their new home. But I need hardly add that such are not the women we want in the West Indies, and I much fear that unless some sensible and practicable plan be discovered for procuring a better class of women, the present disparity of sexes will continue to exist.

There cannot be a shadow of doubt that the plan proposed by Mr. White is open to serious objection, but I confess I am unprepared to suggest a more eligible and proper one. Perhaps, with some modification, the system of offering a bounty to married emigrants, equal to the price ordinarily paid in China by a man of the labouring class for his wife, might be carried out advantageously. For instance, whether the depôt be established at Hong Kong or at Amoy, I would propose that at either place the British authority should inquire carefully into every case of marriage so performed; should have the parties brought up before him, and the woman narrowly and strictly examined previous to shipment, and a declaration made and signed by her, to the effect that she was a free and voluntary emigrant, that she freely and voluntarily married her present husband, and that no compulsion or any other agency had been set at work to induce her to do so. Without some official control of this nature, the plan would be a bad one, for the offer of a premium such as that suggested, without some official check, is a dangerous experiment to try with so venal and money-grasping a people as the Chinese. Independently of the false position in which the British authorities might be placed, by the innumerable abuses to which Mr. White's plan, in its original and crude state, would doubtless give rise, as setting on foot, in the words of Lord Clarendon, a trade little different from the Slave Trade, I do not think it could be carried out of itself, without some official support as a guarantee of its honest purpose.

If some such plan be not adopted, we must give up all idea of obtaining female emigrants, and without them emigration from China must cease, for every moral consideration and obligation requires us to do so. I have stated, perhaps somewhat freely, my views upon this important question, because I feel confident that there are not two ways of viewing the matter, and that those who propose a middle course have not considered very maturely the whole bearings of the case. A middle course is an impracticable one in this instance, and I shall now only repeat the observations with which I commenced this despatch: that the difficulties surrounding this question of emigration from China are many, and not to be easily overcome, and that unless one is fully prepared to cut those difficulties short by some decided and unusual measure, Chinese emigration must be at once stopped.

No. 9.

Sir J. Emerson Tennent to Lord Wodehouse.

Office of Committee of Privy Council for Trade,
Whitehall, July 11, 1854.

My Lord,

I AM directed by the Lords of Committee of Privy Council for Trade, to request that you will bring under the immediate attention of the Earl of Clarendon the accompanying copy of a memorial from certain shipmasters lately returned from the Chincha Islands, detailing the cruelties practised on the Chinese labourers employed in the export of guano, under the authority of persons responsible to the Government of Peru.

As these unfortunate men are represented to be carried from China to

the Chinchas for the most part, if not exclusively, on board British vessels, and as the trade which gives rise to this employment is principally carried on for English account, my Lords consider that remonstrance is especially called for on the part of the British Government, while they hope, for the reasons afterwards referred to, that it is not unlikely to be successful.

The particulars of the severities to which they appear to be subjected by the Peruvian contractor and his subordinates are so revolting that my Lords, before proceeding in the matter, have felt it incumbent on them to have a preliminary interview with the memorialists, of whose reputation and credibility they had previously satisfied themselves through the instrumentality of the officer employed in the registration of seamen.

The result of this interview has been to impress their Lordships with the conviction that the shipmasters who have thus brought the subject before them, have done so from motives of humanity, and under the painful belief derived from personal knowledge of the atrocities which they have disclosed.

These gentlemen are of opinion that the labour at the Chincha Islands, which is now performed by the ill-used Chinese emigrants, could be executed with greater efficiency were the shipmasters allowed to place the services of their crews at the disposal of the Peruvian authorities; that a much greater quantity of guano could be put on board, and in a much more expeditious manner, and that the ships could be consequently dispatched after a comparatively short detention; thus effecting a saving to the Peruvian Government, and enabling guano to be carried home at a proportionate reduction of cost.

In illustration of their views, they related instances of the ease and expedition with which the crews of particular ships had loaded their cargoes, in contrast to the delay experienced when the loading is performed by the Chinese; and they stated also that in the other islands where the Peruvian Government exercised a direct control by means of its own officers, the like abuse did not exist.

The memorialists state their opinion, that the existing system of entrapping the Chinese and extorting their forced labour by means of the cruelties practised upon them is maintained, not from any advantage to the Peruvian Government, but because the detention and delays to which it gives rise are turned to profitable account by the subordinates of the Peruvian contractors, who, having the control of the entire available labour of the islands, are thus enabled to extract bribes for the more expeditious despatch of particular ships.

It is intimated to my Lords, by the memorialists, that the gentleman at the Chincha Islands who represents the house of Gibbs, Bright and Co., the agents for the Peruvian Government in this country, is Mr. Went, a person of just and humane sentiments, whose assistance would cheerfully be rendered for the purpose of carrying into effect suitable arrangements on this subject.

The shipmasters urge that British vessels in search of guano, should be permitted to go direct to the Chincha Islands to load, without the obligation to touch at Callao, for the purpose of obtaining a permission to take on board guano. They state that all dues which might be imposed by the Peruvian Government would be paid with equal punctuality at the Chinchas, were an officer duly authorized to receive them.

They state, that the fear of disorders or disturbances occurring, if the respective crews were permitted to land and load their own guano, is unfounded, and is kept up by the interested representations of those who derive an illicit profit from the present system. They say that it would be easy to prescribe and maintain such regulations as would ensure greater expedition without violation of order, and would consequently furnish to the Government a greater revenue.

By your Lordship's letter of the 14th January last, my Lords were made acquainted with a decree of the Peruvian Government, by which vessels laden with guano were no longer required to touch at Callao on their homeward voyage. The shipmasters complain that the obligation to do so on the voyage out, involves a detention of many days, which it

would be obviously important to avoid, as well as to escape the risk of desertion, which they represent to be very prevalent at that port.

The memorialists state that the Chinese emigrants have hitherto been exclusively, or almost exclusively, carried in British ships; and they suggest, as a matter of justice to the Chinese, and of policy to Great Britain, whether the disposition to emigrate to the free-labour Colonies of this country may not be seriously checked if the British flag be engaged in conveying emigrants to Cuba and the Chincha Islands, and whether instructions should not be given to our Consuls to caution intending emigrants as to the nature of the service in the country for which it is proposed to ship them.

I have, &c.
(Signed) J. EMERSON TENNENT.

Inclosure in No. 9.

Memorial.

To the Right Honourable the Lords of the Privy Council of Trade.

May it please your Lordships,

WE, the undersigned shipmasters lately returned from the Chincha Islands, on the coast of Peru, beg to submit to your Lordships' consideration the following facts relative to the murderous cruelty practised on the unfortunate Chinese labourers imported to those islands—we regret to state, mostly, if not solely, in British vessels; and although we, with sorrow, do not see any immediate means of alleviating the sufferings of those already carried there, as also to Cuba and other slave-holding States, yet, remembering that the evil has been going on unchecked, owing, in some measure, to a restriction put on Consular authority in China, we have some hopes that, by your Lordships' humane interference, so much of that authority will be restored to the British Consuls in China, as will enable them to prevent the carrying of Chinese to slave-holding countries in British vessels. The orders we allude to, sent to China in 1851, were, as far as we understand from the public papers, intended to apply to the export of goods from China, the paying a nominal instead of a fixed tariff duty being practised by foreign flags to the exclusion of the British legal trader. But the Board of Trade never contemplated that, under cover of these orders, British merchants and shipmasters would take advantage of the poverty and ignorance of the Chinese lower classes to export them, under agreements incomprehensible to them, to countries where they were treated as slaves; indeed, from their remembrance of freedom and rights, treated infinitely worse; and in how far we are justified in saying that theirs is the worst form of slavery, let us again crave your Lordships' patience while we detail their condition at the Chinchas, and their treatment as witnessed by us.

The labour of digging the guano was, previously to 1852, performed by free labourers, of whom it is probable there would have been a sufficient number at all times had any attention been paid to compensate them according to the dreary nature and circumstances under which the work has to be carried on; but situate, as they were, fifteen miles from the main, not a blade of verdure, no efficient huts, water served out sparingly, no women, priests, or Sunday observance, spirits sold without restriction by the overseers, free labour gradually declined, and that of convicts added. With convicts came flogging, making the labour at the Chinchas still more distasteful, of which only the poorest Peruvians availed themselves as a last resource. Feeling the want of hands, the contractor, one Don Elias, who shipped off the guano, turned to China, and as about that time numbers of Chinese returned from California to China, with ample show of wealth acquired, no difficulty was found in filling ships for Peru by going through the form of a contract.

Your Lordships may remember that, from time to time, risings took place on board these emigrant ships from China, and report says that, in

one of those risings, the brother of Don Elias, the contractor, was killed. This story, whether true or not, is given in extenuation of the cruelty practised—foolishly enough, for, if true, the reasons are still more urgent why other unfortunates of the same nation should not be placed under the vindictive control of one whose short-sighted views of self-interest alone would make their lot sufficiently hard. No sooner are they landed from the ships than they see tall African negroes placed over them as boatswains, armed with a lash of four plaits of cowhide, laid up in the form of what seamen call "round sennet," five feet in length, an inch and a-half in diameter, tapering to a point, and such as we, who have never been in slave-countries without witnessing flogging, could not have thought could be applied to human beings without causing death, and can only compare to the Australian stockwhip.

During the forenoons, except for regular offences (or such as the overseers please to term such), this instrument was not so much used, but as, about 4 o'clock in the afternoon, many of the weakest had not performed their task work, the boatswains (when the Middle Island, on which Chinese only were, was under the control of one Kossuth) freely used it to start those behind to bring the day's supervision to a close. The slightest resistance was punished by a flogging little short of murder, as on many melancholy occasions we witnessed, being nearer than we desired. The first six to twelve cuts stifled the most agonizing cries, that rang through the fleet—cries that we heard day by day, but only then knew the full amount of suffering that called them forth. There was no tying up; the nearest Chinaman being compelled, by a cut of the lash, to lay hold of an arm or leg and stretch the miserable sufferer on his stomach on the guano. The mere weight alone of the lash made their bodies shake, blackening the flesh at every blow, besides cutting into it like a sabre, and when a convulsive movement took place, a subordinate placed his boot on the shoulders to keep the quivering body down; two dozen made them breathless, and when released after thirty-nine lashes, they seemed slowly to stagger over, reeled, and fell, and were carried off to the hospital—in most cases, if they recovered, committing suicide; for no human heart, unless elevated by Christian training, could, after undergoing so cruel an infliction, ever have more than two feelings, that is, death to those he suffered from, or death to himself. Accordingly, during our stay there many sprang over the cliffs, many buried themselves alive in the guano, and many hid themselves in the caves of the islands to starve to death, their dead bodies floating all round in numbers. In one instance, two, emboldened by pity shown them by a shipmaster, hid themselves on board his vessel, one of whom survives, and is now in this country. We hope this miserable fugitive may live to plead the cause of his countrymen, and that the Almighty will retain him in the possession of his faculties, which, so far as his appearance goes, we think impaired by the sufferings he has undergone.

All the American shipmasters at the Chinchas, from the southern as well as the northern States, declared they never saw or heard of slavery approaching that of the Middle Island of the Chinchas in misery.

On so solemn an occasion we would not call in the assistance of national vanity to expurge a blot, but we feel certain that nothing but the kindly feelings cultivated between English and American shipmasters prevented the latter from openly taunting us with engaging in a Slave Traffic the more abominable from being practised by deceiving an industrious people, who, when carried to our free Settlements, have proved invariably a peaceable, active, and improveable class.

On a slave estate in the Brazils or Havana at least the sick are cared for; but on the Middle Island, Kossuth declared who was sick and who was not, in opposition to the medical inspector, whose opinions were not listened to, the lash compelling the broken-spirited wretches to temporary exertion. Doubtless the whole would have sunk ere this, but for the fact that those who deny themselves an addition to their coarse fare can accumulate their pay (4 dollars per month) until it amounts to 80 dollars, when they can, or could at that time, purchase their emancipation, and, after being paraded about in holiday clothes, can go to the Main Island to work on a level with the convicts, or find their way to Callao.

And what is the amount of pecuniary saving, if any, even taking it for granted for a moment that this cruelty is not the natural result of entrusting irresponsible power to selfish, irascible tyranny, but part of the means by which coldhearted avarice strives to attain its ends? The guano is dug from the surface; requires but few implements to dig and wheel it to the ships' holds or boats; is carried home at a cost of 4*l.* to 5*l.* per ton, and yet costs the British farmer 10*l.* to 11*l.*, the balance being almost all taken up by the Peruvian Government and a few monopolists—monopolists, we would remind your Lordship, who, however convenient to the Peruvian Government or Peruvian bondholders, certainly do not cheapen the article of guano to the farmers, and have an unjust preference over the body of British shipowners, who, if allowed to purchase it on the same terms, could sell it cheaper, the purchaser in that case being certain that he was not paying for the recovery of money-speculators' debts. And it is quite certain that the possibility of the cruel scenes we witnessed being enacted would be removed if the trade was made free.

While there, hundreds of British sailors lay idle in their boats for days, waiting for what, if allowed to land, could have been shipped off in a few hours. But whether the trade was made free or not, the trifling addition of 1*s.* 6*d.* per ton would not be felt on 10*l.*, and would make the digging of guano a favourite pursuit to free labourers; and the expense of a magistrate—a legal man, and not a brutal flogger—and a police guard, be saved in hospital expenses, miserable as the hospital comforts are. We have abundant presumptive proof in support of this assertion; for one of the Undersigned, acting on a clause in the ship's charter, obtained permission to work with sailors on the main island, who, for the much smaller sum of 1*s.* per ton in addition to their ship's wages—the whole less than 1*s.* 6*d.* per ton—successfully dug and wheeled down guano, until ordered off by the Peruvian officer sent down shortly after, doubtless to prevent the probabilities of the sailors interfering to protect the Chinese. On the Middle Island sailors were not allowed to land, for if they had they would certainly have interfered.

As to the means by which these islands will ultimately be wrought in a more humane manner, we can only pray that the Almighty will stir up the hearts of all Peruvians, as well as Englishmen, in favour of the unhappy beings already there. But as to the future deportation of Chinese to Peru, Cuba, and other slave-holding countries, we humbly conceive your Lordships could put a stop to that without delay, by means which your official wisdom will suggest to you—means of which, if we had the knowledge, it would be presumptuous on our part to point out to your official experience. Nor is it necessary to advert to the ultimate bearing this Slave Traffic will have on our moral influence, and the lives and property of our defenceless countrymen in China, who have not engaged in it, but from time to time denounced it. For we are sensible that your Lordships' hearts will incline to a good cause, uninfluenced by fears of mere expediency.

We trust that your Lordships, after a hard day's labour, called for by the circumstances of war in which this country is placed, will not, when snatching a glance at your family circles, and the Christian blessings surrounding you, forget the claims the miserable Chinese have on your active sympathy; and that, amid the pressure of public business, while contributing to the discomfiture of a colossal and encroaching despotism, you will stretch out a merciful and helping hand to helpless and unresisting sufferers. That the God of mercies will direct your hearts in this good work, is the earnest prayer of your Lordships' most humble servants.

(Signed) JAMES TURNBULL.
FREDERICK ACOCK.
JOHN HENDERSON SMITH.
JOHN COULTER.
JOHN PURDON.
JOHN W. SYMONS.
CHAS. ROBERTSON.
WILLIAM CAITHNESS.
EDWARD OAGER.

London, June 27, 1854.

No. 10.

The Earl of Clarendon to Mr. Sulivan.

Sir, *Foreign Office, July* 15, 1854.

I TRANSMIT to you herewith a copy of a letter* from the Board of Trade, inclosing a copy of a memorial from certain shipmasters lately returned from the Chincha Islands; and I have to state to you that I have read with horror and disgust the details therein contained of the cruelties practised on the unfortunate Chinese labourers employed in the export of guano under the authority of persons responsible to the Government of Peru.

You will make the whole subject known to the Peruvian Government, whose ignorance of these revolting atrocities Her Majesty's Government are bound to assume; but they trust that not a single day will be allowed to pass without the most stringent measures being taken for putting an end to a state of things the toleration of which would inflict indelible disgrace upon the Peruvian Government.

Her Majesty's Government learn with deep regret that, by British agency, and under the British flag, these Chinese labourers have been brought to the Chincha Islands, and placed in a state of slavery more horrible than any yet recorded; but this fact imposes an additional duty on Her Majesty Government. Under any circumstances, they would interfere in defence of outraged humanity; but they are now specially called upon to protect these victims of brutal cupidity, and from that duty they will not shrink if, unfortunately, the Peruvian Government should hesitate to perform the duty which, in the first instance, devolves upon them; but if, as is to be hoped, the necessary orders are issued, you will request that some person, on whose firmness and intelligence you can rely, either from Her Majesty's Mission or from the British Consulate, be permitted to accompany the Peruvian officer; first, in order to verify the statement contained in the memorial to the Board of Trade; and next, to ascertain in what manner the orders of the Government are executed.

Instructions, however, will be sent to the Commander of Her Majesty's Naval Forces on the Pacific Station, to visit the Chincha Islands, to ascertain the real state of things there, and at once to adopt such measures for the protection of the Chinese, and the punishment of the overseers and others, as humanity and justice may demand.

You will at the same time point out how much the interest of the Peruvian Government would be promoted by putting an end to misdeeds originating in the corruption of their agents, and by adopting the recommendations of the memorialists. You will particularly request that outward bound ships may no longer be required to touch at Callao.

I am, &c.

(Signed) CLARENDON.

No. 11.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, July* 18, 1854.

I INCLOSE herewith a copy of a letter* from the Board of Trade inclosing a copy of a memorial from shipmasters lately returned from the Chincha Islands, detailing the cruelties practised on the Chinese labourers employed in the export of guano under the authority of persons responsible to the Government of Peru.

I inclose also a copy of a despatch† which I have addressed to Mr. Sulivan, Her Majesty's Chargé d'Affaires at Lima, directing him to all the attention of the Peruvian Government to the revolting atrocities practised on these unfortunate Chinese emigrants, and stating the course

* No. 9. † No. 10.

which Her Majesty's Government intend to take in the matter. And I have to instruct you to prevent, as far as possible, fresh shipments of Chinese emigrants to the Chincha Islands, in order that a stop may be put to these atrocities.

I am, &c.
(Signed) CLARENDON.

No. 12.

Sir J. Emerson Tennent to Lord Wodehouse.—(Received August 5.)

Office of Committee of Privy Council for Trade,
My Lord, *Whitehall, August* 4, 1854.

IN connection with the question of coolie emigration in British ships from China to South America, which has formed the subject of recent correspondence between the Lords of the Committee of Privy Council for Trade, I am directed by their Lordships to request you to bring under the notice of the Earl of Clarendon the following facts connected with the British barque "Susannah," which arrived at the port of Arica in Bolivia on the 27th of May, 1852, having on board 309 Chinese.

Mr. Lloyd, Her Majesty's Chargé d'Affaires, acquainted the Earl of Malmesbury, by despatch dated the 1st June, 1852, that on arrival of this vessel, her passengers had been openly offered for sale at Arica, and that "the captain and his agent there had sold some twenty-five of the Chinese (who had mostly been sent into the interior) for 112 dollars each, and a promise on the part of the purchasers to pay the men 4 dollars monthly," and that "the ship had sailed for Islay to dispose of the remainder."

These unfortunate men Mr. Lloyd further states had been seduced from their own country under the idea that they were going to some British Settlement under an engagement for five years.

My Lords wish especially to direct the attention of the Ealr of Clarendon to the circumstance that in the case of this ship the master was provided with what purported to be a port clearance, of which the following is a copy:

"Copy, No. 11.

"Port clearance for the 'Susannah,' under British colours, Captain Lukey, bound for the west coast of South America with Chinese emigrants.

"This is to certify, to whom it may concern, that the master of the above-mentioned barque has rendered an account of her import and export cargo, and complied with the regulations of the port.

"(Signed) J. B. MITCHELL.
"(Seal) "*Acting Harbour-Master.*

"Registered.
"*Harbour-Master's Office,*
"*Victoria, Hong Kong,*
"*January*, 23, 1852."

From this it appears that the Acting Harbour-Master had certified that the "Susannah" had satisfied the local authorities as to the nature of her export cargo, and that it consisted of Chinese emigrants.

Whereas it appears by the report of the British Consul at Arica, and the despatch of the Chargé d'Affaires at Bolivia, that the "Susannah" cleared out from Hong Kong "in ballast, with no emigrants, and sailed, not for South America as stated in her clearance, but for Cumsingmoon," and there took on board 325 coolies, who were afterwards offered for sale in Bolivia and Peru.

My Lords beg to call to the notice of Lord Clarendon that it would be desirable to direct an inquiry to be instituted into the alleged conduct of the Acting Harbour-Master at Hong Kong in granting the clearance in question, at variance as it was with the facts which it professes to attest;

and enabling a ship which took her departure in ballast under colour of that clearance to proceed to another port than that of her professed destination, there to engage in a transaction which bears all the characteristics of trading in slaves.

I have, &c.
(Signed) J. EMERSON TENNENT.

No. 13.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, August 9*, 1854.

WITH reference to my despatch of the 18th ultimo, relative to the cruelties practised on Chinese emigrants in the Chincha Islands, I inclose herewith, for your information, a copy of a letter* from the Board of Trade, stating that 309 Chinese were conveyed to Bolivia and Peru, in the early part of 1852, in the British barque "Susannah;" that 25 of them were publicly sold at Arica on the 27th of May of the above year; and that the master of the "Susannah" then sailed for Islay, in order to dispose of the remainder.

I am, &c.
(Signed) CLARENDON.

No. 14.

Sir John Bowring to the Earl of Clarendon.—(Received August 29.)

"*Winchester,*" *Lat.* 29° 33′, *Long.* 122° 40′,
My Lord, *June 5*, 1854.

I HAVE before me your Lordship's despatch of 5th April, with its sundry inclosures from the Colonial Office, on the subject of Mr. White's proceedings as agent for procuring the coolies for the West Indies. I have read the correspondence with no small anxiety and apprehension.

While I held the office of Plenipotentiary, during Sir George Bonham's absence, Mr. White placed in my hands a charter-party by which an emigrant ship had been hired at his suggestion to take in coolies at illegal ports. I then warned Mr. White of the perils to which he exposed himself by so open a violation of the law. On that occasion I learnt that the captain, finding the charter-party was an unlawful contract, emancipated himself from it, and of course could not be proceeded against for so doing. But I did not fail at the same time to inform Mr. White that, as a servant of Her Majesty's Government, he had other duties to discharge than merely to procure coolies for the West Indies, and that in such a position he must be particularly cautious not to sanction or commit illegal acts.

With reference to Mr. White's plan for procuring women in Hong Kong, it is practically neither more nor less than to establish, under official protection, a slave market for females in a British colony. Such a scheme is fraught with mischiefs of the most alarming character, and would lead to uncontrollable abuses and abominations.

Marriages are the subject of negotiations, bargainings, and contracts, but it is not the fact that wives are habitually and regularly, still less universally, bought in China. Concubines are, and the trade of purchasing female children and training them to purposes of prostitution is largely and openly carried on, particularly in the greater Chinese cities. It is clandestinely carried on in Hong Kong itself. But the proposal to authorize and legalize the sale of women on British territory—to furnish money from the public funds for the purpose of purchasing them, to place that money in the hands of ignorant coolies, on the promise that they will afterwards marry the females they buy, appears to me as abhorrent to moral principle and

* No. 12.

national feeling as it would be opposed to the whole character of modern British legislation.

I am persuaded that Hong Kong can be made a place attractive to male emigrants, and a source whence large supplies of labour may be provided for the colonies, but it must be by freeing it from the abuses which prevail elsewhere, and not by giving encouragement and patronage to such abuses. I think it is not impossible that a few women might now and then be induced to accompany their husbands, but such is the apprehension, not without opprobrium, which attaches to the abandonment of the soil by any Chinese female, and such the power of confederated clanships to punish the relations of any willing emigrant, that I see no reason to expect that China will ever furnish any considerable supply of women for emigration, unless they are kidnapped, bought, or by some means made the victims of fraud or force.

An interesting paper on the subject of marriage and the domestic relations of China generally, written by Mr. Medhurst, was forwarded to the Foreign Office in Sir George Bonham's despatch of 1st September, 1853, to which I beg leave to call your Lordship's attention.

I have, &c.

(Signed) JOHN BOWRING.

Paper referred to in No. 14.

Marriage, Affinity, and Inheritance in China. By W. H. Medhurst, Junior. Read to the Asiatic Society, February 8, 1853.

ALTHOUGH so much has been written upon China and the Chinese, it is really surprising that even we, who live in the country, are so slightly acquainted with "that which before us lies in daily life;" and perhaps on no one of their many ceremonies and observances are we less informed than on those relating to marriage and inheritance. Both Sir John Davis, in his work entitled "The Chinese," and Dr. Williams, in his "Middle Kingdom," have entered somewhat fully into the subject of marriage, and sundry anonymous papers have appeared upon the same topic, from time to time, from the pens of other authors; but these have generally been confined to simple descriptions of the formalities observed at weddings, or to notices of the general bearings of the institution upon society at large. No definite or correct view can be gathered from any of them as to the legal requirements or conditions of marriage: and as regards the dependent subject of heirship or inheritance, they are nearly or altogether silent.

Such is the prevailing ignorance on this subject among foreigners settled in China, that, even among the few who have given attention to the people and their language, scarcely an individual is to be found who could satisfactorily reply to the question, "What are the needful ceremonies—what the legal acts—to give validity to a marriage contract?" Ignorance or imperfect knowledge alone induces one man to aver, that there is no definite ceremony; another to assert that the married pair had to walk between two cups of Samshoo wine after a showy procession of bride and bridegroom; or a third to rejoin, that, whatever other formalities were observed, he knew that the public and ceremonious decapitation of a fowl put an end for ever to the bachelorship and spinsterhood of the parties: I was very much puzzled to answer this very question, when put to me in England some few years ago. Men too frequently retail information obtained from unscrupulous natives, too idle to convey to them the real truth, that the ceremony actually consists of a number of observances, which united, constitute the matrimonial rite, and which are terminated by a closing ceremonial quite as marked as the "Amen" of our Church Liturgy, or the attested "I take thee" of the more secular mode of proceeding. The main observances prescribed by the Ritual,* hold good throughout China, subjected, no doubt, to numerous modifications in different parts of the country; nor could it well be otherwise, among a population so large, and covering so vast a propor-

* I use this term, here and elsewhere, comprehensively, not with reference to any special code of ceremonial observances.

tion of the earth's surface, influenced by all extremes of climate, and characterised by almost every variety of geological conformation.

My principal object, however, in drawing attention to these subjects is, no so much to throw light upon the details of wedding formality, or the usages by which title to property is controlled, as to exhibit the institution of marriage, and the right of inheritance, in their various relations as prescribed and protected by law. Sufficient information will nevertheless be elicited in the course of my remarks upon the practice of the Chinese in either particular, to enable the less interested inquirer to satisfy mere curiosity as to the mode of proceeding in either case. It will be noticed that my researches have obliged me to trespass upon two other topics—incest and divorce; which will be considered, I trust, so intimately connected with that of marriage, as to make a few remarks upon them likewise not altogether out of place.

Marriage and Affinity.

The earliest notices of the institution of marriage are to be found in the "Yih-king," the most venerated and ancient of Chinese books, treating of the principles of general philosophy, as laid down by sages of antiquity from the mystic diagrams called the "Pa-kwa;" it is from some of the many emblematical combinations of these that its primary elements are deduced, and its chief obligations inculcated, but in so occult and unintelligible an argument, that I should weary others as well as myself by endeavouring to elucidate it. Later ethical works, some of which date as far back as 1,100 years before Christ, enter more fully into the duties of the married state, and detail the formalities to be observed on entering into it, the principal of which have maintained their authority to the present day, and, with the accompanying injunctions, form the basis of the modern Ritual and Penal Code from which I have derived the greater part of my information.

The legislation regarding marriage occupies a prominent place in the Penal Code of China. It strictly prohibits parties who labour under certain specific disabilities from entering into the state of matrimony, and renders its obligations fully as sacred and secure (taking into consideration the peculiar notions of the Chinese) as they can be with ourselves. As proximity of relationship forms one of the chief obstacles to lawful union of the sexes, and as the indication of of the prohibited degrees depends upon a special disposition of the several individuals of a family or clan, with respect to the mourning to be worn for every relative, it becomes necessary for me to introduce a few remarks upon Chinese opinions with regard to relationship, and their mode of classifying its several degrees, before I proceed to dilate upon the subject more immediately under consideration.

The ideas of the Chinese as to nearest of kin, whether by blood or by marriage, differ vastly from our own. They divide relationships into two classes, 內親 *nuy-tsin*, and 外因 *wae-yin*, terms analogous to our "consanguinity" and "affinity," but conveying, nevertheless, other associations than those which we attach to these words. The former, *nuy-tsin*, comprehends all kindred derived from common stock with the individual, but only by descent through the male line; the latter *wae-yin*, includes what the Chinese designate 母黨 *moo-tang*, 妻黨 *tse-tang*, and 女黨 *neu-tang*, three terms best translated perhaps by "mother's kin," "wife's kin," and "daughter's kin," and understood by them to mean a mother's relatives, relatives of females received into one's kindred by marriage, and members of families into which one's kinswomen marry. Thus, for example, a first cousin twice removed, lineally descended from the same great-great-grandfather through the male line, is a *nuy-tsin* relative; but a mother's parents, wife's sister, and a sister's husband, or child, are all equally *wae-yin* kindred.* The principle upon which the distinction is drawn, appears to be, that a woman alienates herself from her own kin on marriage, and becomes part of the stock upon which she is grafted; and it will be necessary to keep this principle distinctly in mind n perusing any further remarks that may be made, as otherwise it will be found

* In order the more easily to distinguish between the *nuy-tsin* and *wae-yin* relationships, I have italicised the latter, wherever I have had cause to speak of them.

impossible to reconcile the many apparent contradictions in the theory and practice of the Chinese code,

The indication of the prohibited degrees depends, then, upon a peculiar genealogical disposition of the several members of a family with respect to the mourning worn for deceased relatives; this I shall now proceed to explain. The Ritual prescribes five different kinds of mourning, called 五服 *woofuh*, to be worn for all relatives within a definite proximity of degree, graduating the character of the habit in proportion to the nearest of kin. These habits are designated by certain names, which by a species of metonymy come to be applied to the relationships themselves, and are used somewhat as we employ the terms "first degree," "second degree," and so on; and plans, similar to our genealogical tables, are laid down, showing the specific habit suitable for each kinsman. The principal one of these, that for a married or unmarried man, comprises cousins twice removed, *i.e.*, derived by lineal descent from a common great-great-grandfather, that ancestor himself, and all relatives included within the two lines of descent from him to them; below the individual, it comprehends his own descendants (in the male line) as far as great-great-grandchildren, his brother's as far as great-grandchildren, his cousin's as far as grandchildren, and the children of his cousin once removed. In this table *nuy-tsin* relationship will alone be found; mourning is worn for very few of the *wae-yin* and these, though actually, *i. e.*, in our eyes, ties of consanguinity, and deserving far more consideration than many for which a deeper habit is prescribed, are classed among the very lowest degrees of mourning. The same amount of comparative weight will be found attached to the *wae-yin* relationships, when we come to enter upon the restrictions of the laws themselves.

Six tables are given in the Ritual to which the five habits are common; these prescribe the mourning to be worn by—

1. A *man* for his kinsmen and kinswomen;
2. A *wife* for her husband's kinsfolk;
3. A *married* female for her own kinsfolk;
4. A *man* for his mother's kinsfolk;
5. A *man* for his wife's kinsfolk;
6. A *concubine* for her master's kinsfolk.

A seventh table is given, prescribing the mourning to be worn for step-fathers and fathers by adoption, and for step and foster-mothers, &c., but I have not thought it necessary to encumber my remarks by wandering into so remote a portion of the field.

To render these details more easily comprehensible, I shall class the relationships in each table under their appropriate degrees of mourning, and leave the reader to examine at his leisure the tables, as arranged in the Ritual, which he will find appended to this paper. It need only be borne in mind that, excepting where otherwise specified, the relationship indicated is a male, and only by a descent through the male line, as for example, that, by "cousin," a father's brother's son alone is meant, not a father's sister's son or daughter.

The five kinds of mourning, the names of which, as I have already remarked, serve to indicate the degrees of relationship to which they severally belong, are,—

1. 斬衰 *Tsan-tsuy*, nominally worn for three years, really for twenty-seven months;
2. 齊衰 *Tsze-tsuy*, worn for one year, for five months, or for three months;
3. 大功 *Ta-kung*, worn for nine months;
4. 小功 *Seaou-kung*, worn for five months;
5. 緦麻 *Sze-ma*, worn for three months.

The character of each habit, and the relatives for whom it is worn, are prescribed as follows:—

1. *Tsan-tsuy* indicating relationships of the first degree. The prescribed habit for this degree is composed of the very coarsest hempen fabric, and left unhemmed at the borders; it is worn for by a man for his

Parents;

by a wife for her

Husband,
Husband's parents;

and by a concubine for her

Master.

2. *Tzse-tsuy*, indicating relationships of the second degree. The habit prescribed is composed of coarse hempen fabric, with hemmed borders; it is worn during one year by a man for his

Grand-parents,
Uncle,
Uncle's wife,
Aunt (spinster),
Brother,
Sister (spinster),
Wife,
Son (of wife or concubine),
Daughter-in-law (wife of first-born),
Nephew,
Niece (spinster),
Grandson (first-born son of first-born);

by a wife for her

Husband's nephew,
Husband's niece (spinster);

by a married woman for her

Parents,
Grand-parents;

and by a concubine for her

Master's wife,
Master's parents,
Master's sons (by wife or other concubines),
Sons.

It is worn for five months by a man for his

Great grand-parents;

and by a married woman for her

Great grand-parents.

It is worn for three months by a man for his

Great great-grand-parents.

And by a married woman for her

Great great-grand-parents.

3. *Ta-kung*, indicating relationships of the third degree. The habit prescribed is composed of coarse cotton fabric; it is worn by a man for his

Aunt (married),
Sister (married),
Brother's wife,
First cousin,
First cousin female (spinster),
Daughter-in-law (wife of a younger son, or a son of a concubine),
Nephew's wife,
Niece (married),
Grandson (son of a younger son, or son of a concubine).

By a wife for her

Husband's grand-parents,
Husband's uncle,
Husband's daughter-in-law (wife of a younger son, or son of a concubine),
Husband's nephew's wife,
Husband's niece (married),
Grandson;

By a married woman for her

Uncle,
Uncle's wife,
Aunt (spinster),
Brother,
Sister,
Nephew,
Niece (spinster);

And by a concubine for her

Grandson.

4. *Seaou-kung*, indicating relationships of the fourth degree. The habit prescribed is composed of coarse cotton fabric; it is worn by a man for his

Grand-uncle,
Grand-uncle's wife,
Grand-aunt (spinster),
Father's first cousin,
Father's first cousin's wife,
Father's first cousin female (spinster),
First cousin female (married),
First cousin once removed,
Female first cousin once removed (spinster),
Second cousin,
Second cousin female (spinster),
Grand-daughter-in-law (wife of first-born of first-born son),
Grand-nephew,
Grand-niece (spinster),
Mother's parents,
Mother's brother,
Mother's sister;

By a wife for her

Husband's aunt,
Husband's brother,
Husband's brother's wife,
Husband's sister,
Husband's second cousin,
Husband's second cousin female (spinster),
Husband's grand-nephew,
Husband's grand-niece (spinster);

By a married woman for her

Aunt (spinster),
Sister (married),
First cousin,
Niece (married),

And by a concubine for her

Master's grand-parents.

5. *Sze-ma*, indicating relationships of the fifth degree. The prescribed dress is composed of fine cotton cloth; it is worn by a man for his

Great-grand-uncle,
Great-grand-uncle's wife,
Great-grand-aunt (spinster),
Grand-aunt (married),
Grand-father's first cousin,
Grand-father's first cousin's wife,
Grand-father's first cousin female (spinster),
Father's first cousin female (married),
Father's first cousin once removed.
Wife of father's first cousin once removed,
Father's female first cousin once removed (spinster),
First cousin's wife,
Female first cousin once removed (married),
First cousin twice removed,
Female first cousin twice removed (spinster),
Second cousin female (married),
Second cousin once removed,
Female second cousin once removed (spinster),
Granddaughter-in-law (wife of a son of a younger son, or son of a concubine),
Grand-nephew's wife,
Grand-niece (married),
Third cousin,
Third cousin female (spinster),
Great-grandson,
Great-grand-nephew,
Great-grand-niece (spinster),
Great-great-grandson,
Aunt's son,
Mother's brother's son,
Mother's sister's son,
Wife's parents,
Son-in-law,
Daughter's child.

By a wife for her

Husband's great-great-grand-parents,
Husband's great-grand-parents,
Husband's grand-uncle,
Husband's grand-aunt (spinster),
Father-in-law's first cousin,
Father-in-law's first cousin's wife,
Father-in-law's first cousin female (spinster),
Husband's first cousin female,
Husband's second cousin's wife,
Husband's second cousin female (married),
Husband's second cousin once removed,
Husband's female second cousin once removed (spinster),
Granddaughter-in-law (wife of own or a concubine's grandson),
Husband's grand-nephew's wife,
Husband's grand-niece (married),
Husband's third cousin,
Husband's third cousin female (spinster),
Great grandson,
Great granddaughter-in-law,
Husband's great-grand-nephew,
Husband's great-grand-niece (spinster),
Great-great-grandson.

DEGREES

1st Degree 3 years	2d Degree 1 year 5 months 5 months
3d Degree 9 months	4th Degree 5 months
5th Degree 3 months	No Mourning

TABLE Nº 1.

Mourning worn by a Man for his Kinsmen and Kinswomen

| | | |

TABLE No. 2.

Mourning worn by a Wife for her Husband's Kinsfolk.

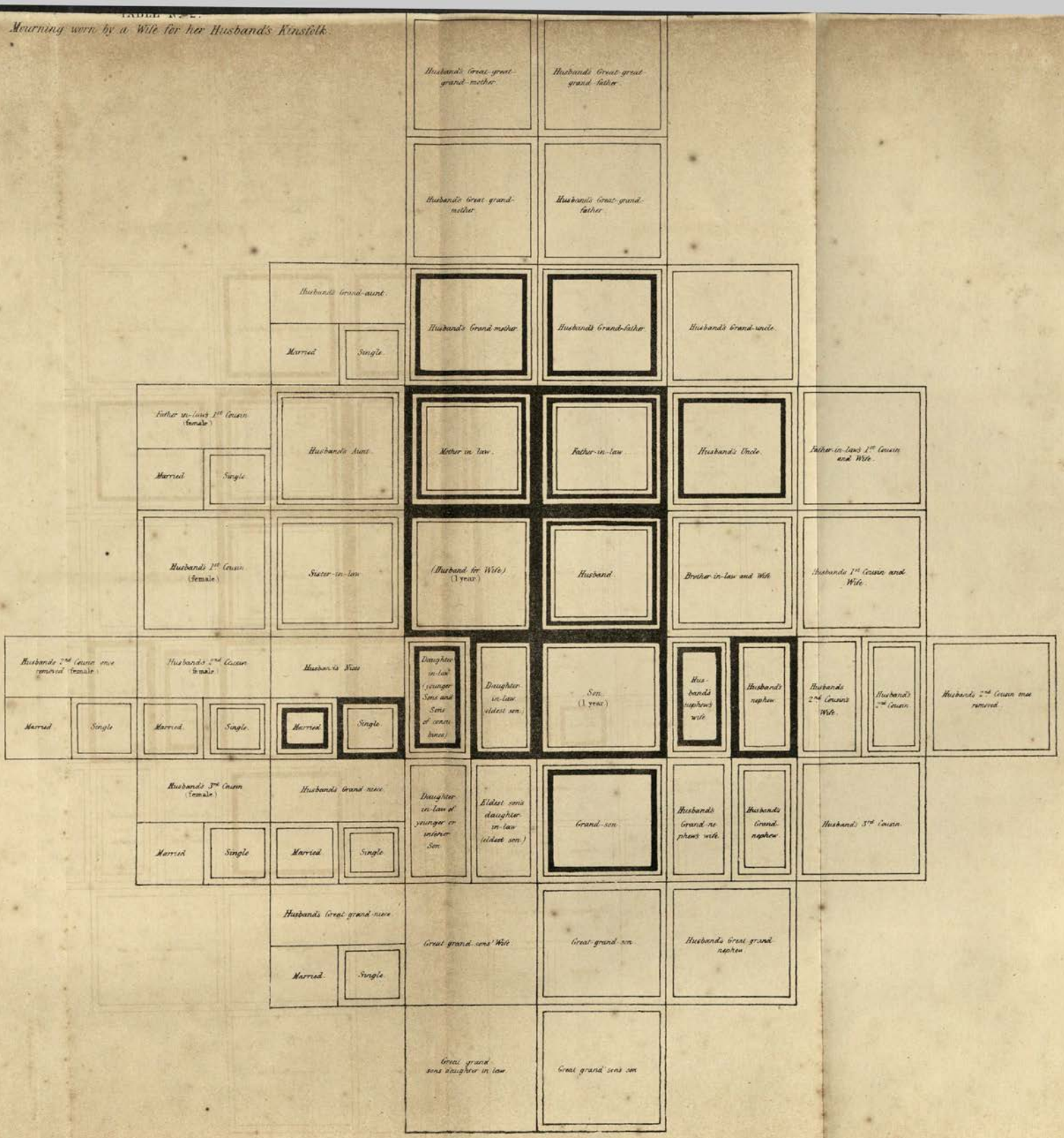
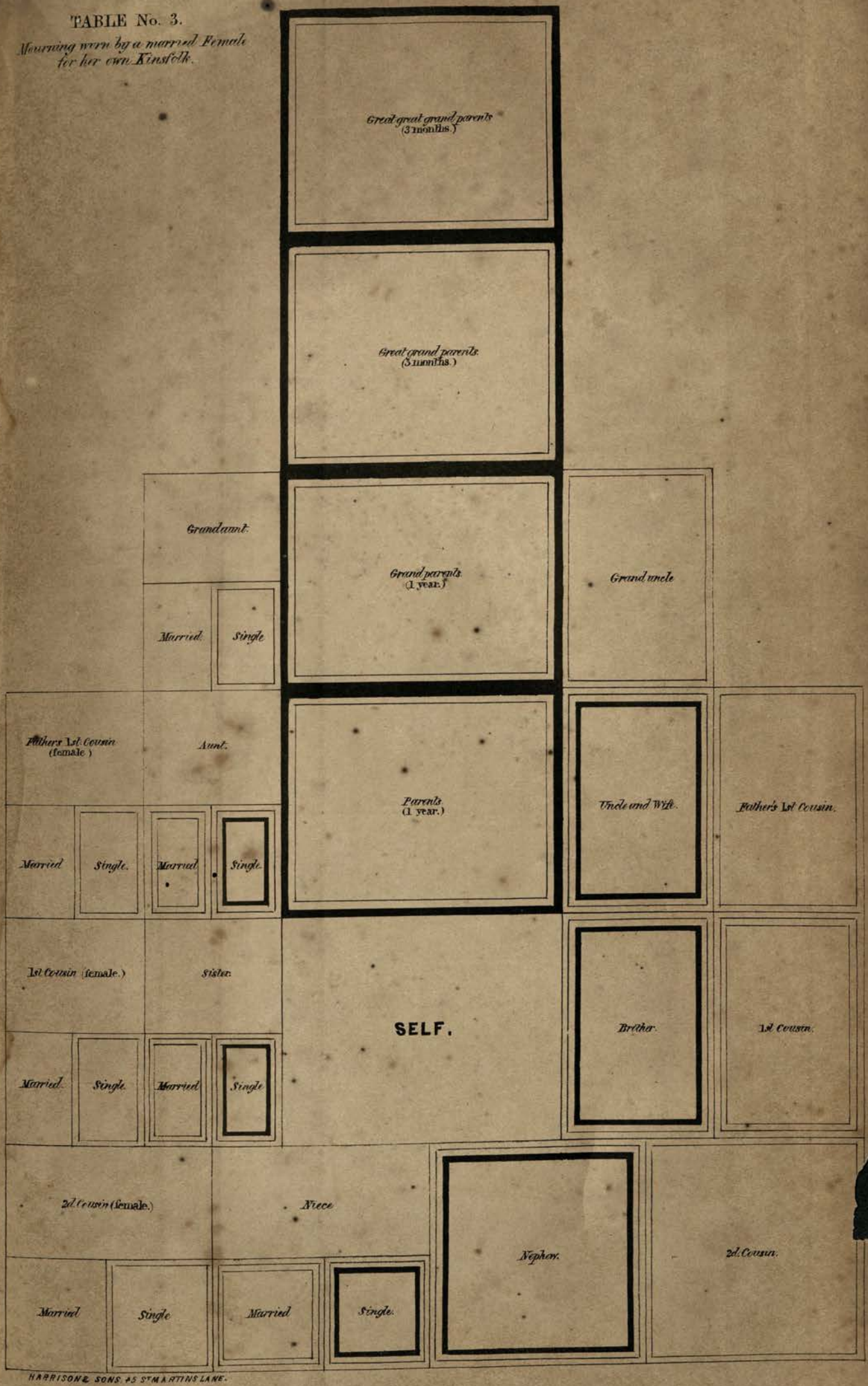


TABLE No. 3.

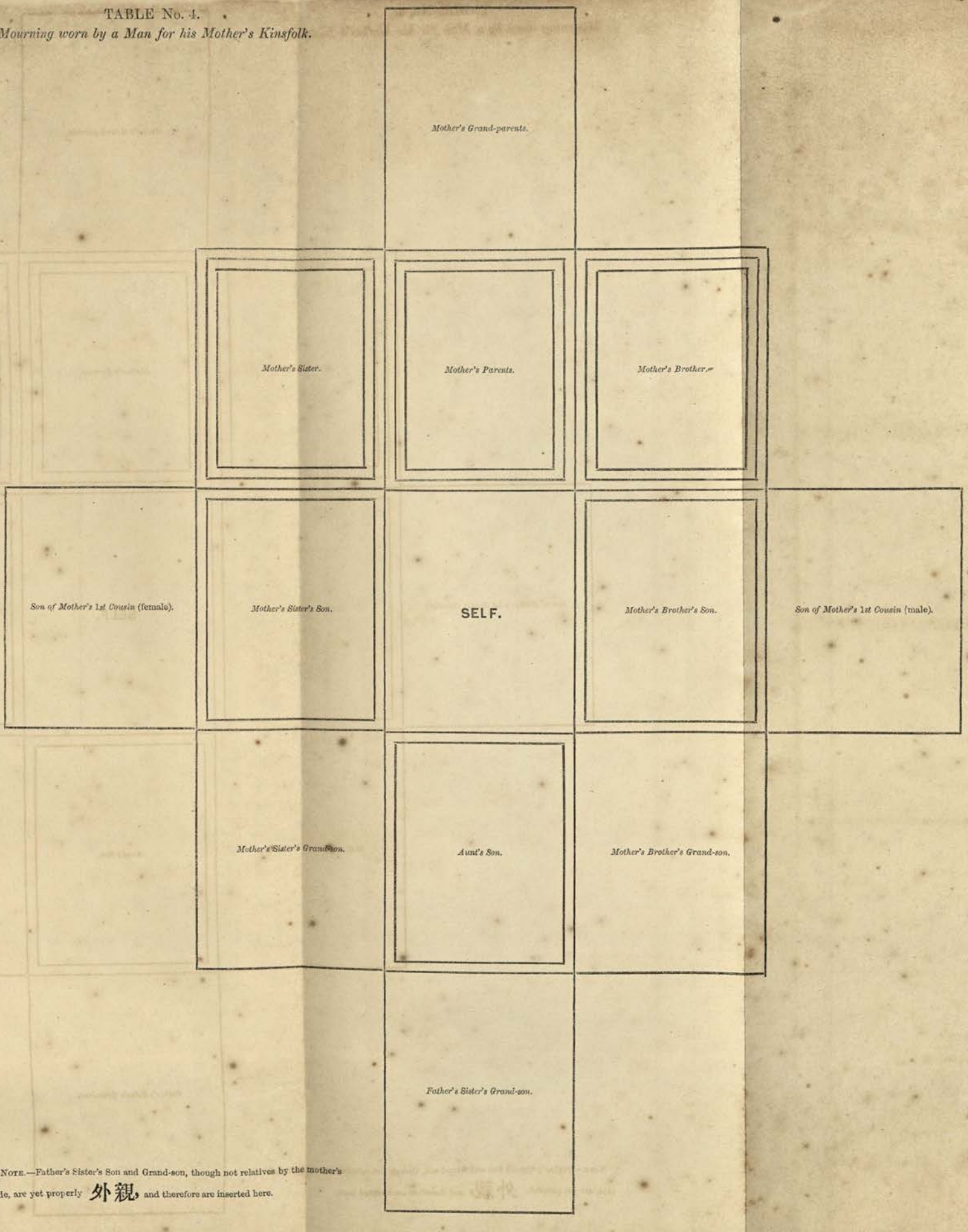
Mourning worn by a married Female for her own Kinsfolk.



HARRISON & SONS, 45 ST MARTIN'S LANE.

TABLE No. 4.

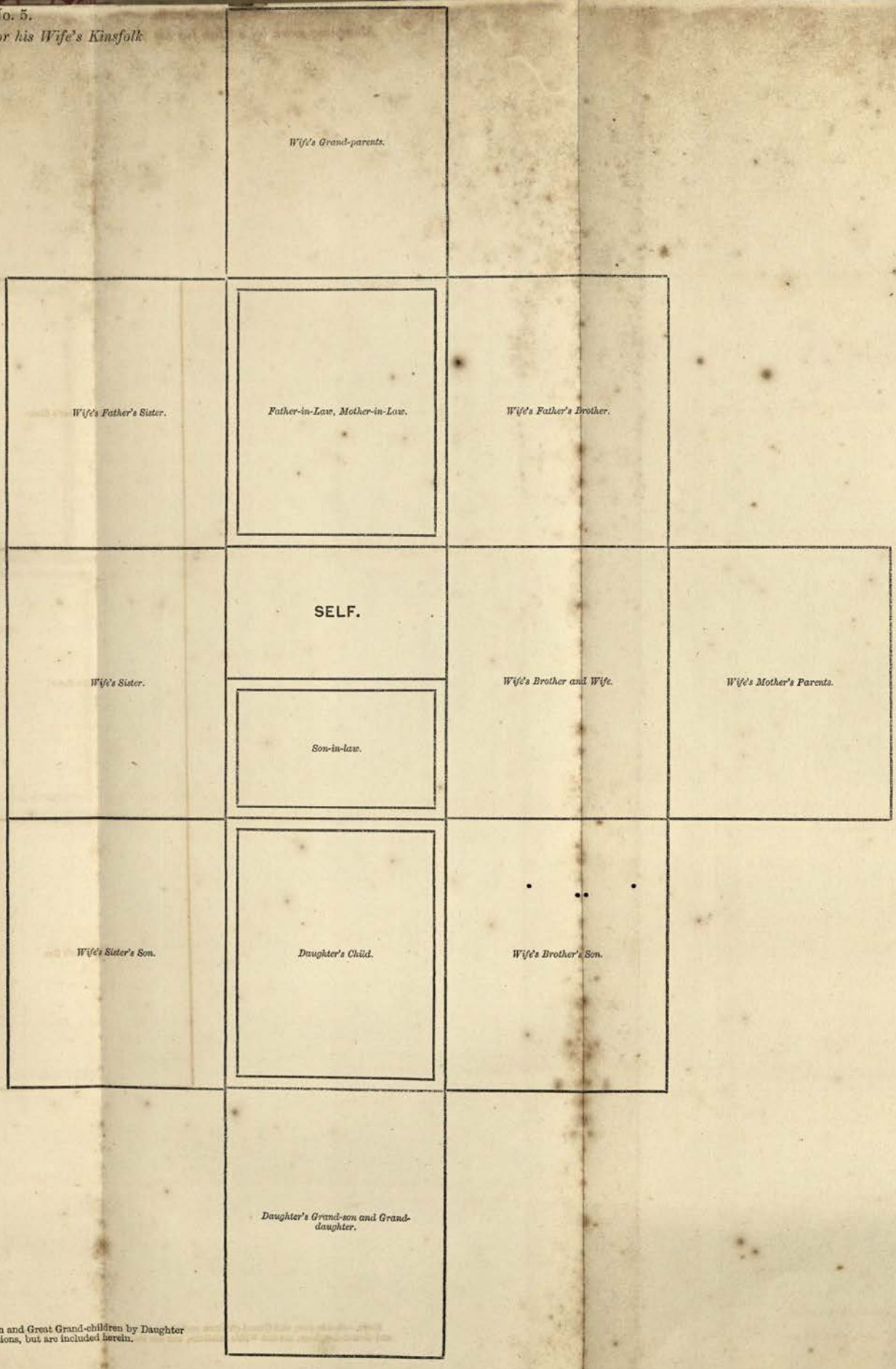
Mourning worn by a Man for his Mother's Kinsfolk.



NOTE.—Father's Sister's Son and Grand-son, though not relatives by the mother's side, are yet properly 外親, and therefore are inserted here.

TABLE No. 5.

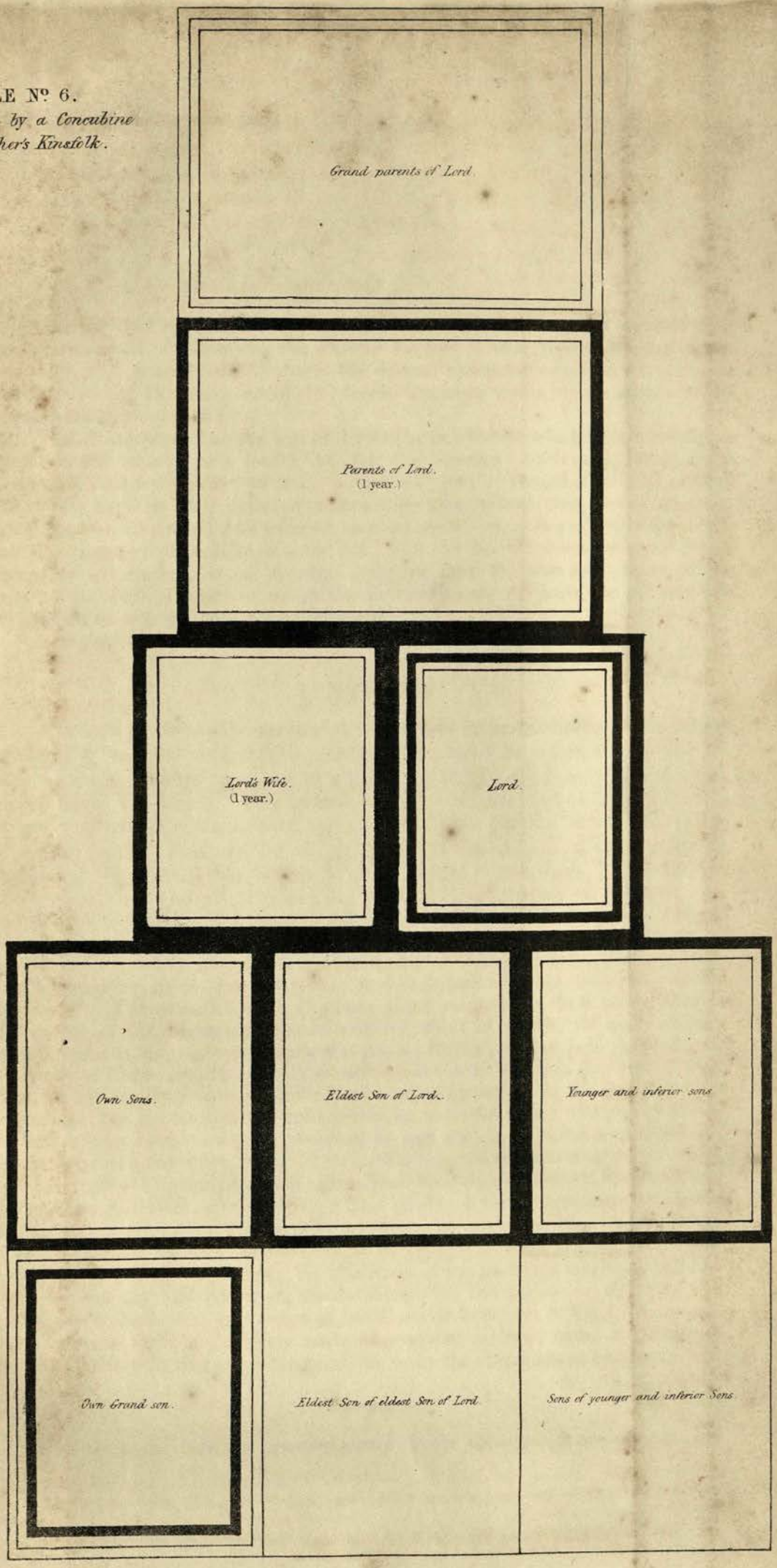
Mourning worn by a Man for his Wife's Kinsfolk



NOTE.—Son-in-law, and Grand-children and Great Grand-children by Daughter and Grand-daughter, are not Wife's relations, but are included herein.

TABLE Nº 6.

Mourning worn by a Concubine for her Mother's Kinsfolk.



And by a married woman for her

Grand-uncle,
Grand-aunt (spinster),
Father's first cousin,
Father's first cousin female (spinster),
First cousin female (spinster),
Second cousin,
Second cousin female (spinster).

Having thus explained the Chinese idea of relationship, and detailed their peculiar method of classifying its several degrees, I now resume the subject of marriage, and propose to illustrate the several observances connected with the performance of the matrimonial rite before entering upon the provisions of the statute-law with regard to it.

The ritual prescribes the age of 16 as the earliest at which it is advisable a man should marry, and limits 14 for the woman; although marriage is frequently contracted before this period of life. Parents and guardians constantly betroth their children and wards long before they arrive at these ages: and mothers sometimes even engage their yet unborn offspring on the sole contingency of a difference of sex; but the law does not recognise such contracts as binding, since it often happens that the circumstances of the contracting parties alter so materially in the course of years as to make it impossible to require their strict fulfilment.

The principal proceedings in the marriage ceremony are:

1. *Negotiation.*

Marriage is invariably negotiated in the first instance through the medium of a 媒人 *mei-jin*, or go-between, who is employed to select the wished for lady, or to convey the proposal of alliance to the family from which the lady or gentleman is selected. This person, usually a woman, but at times a man, is properly only to be commissioned and received by the parents or senior members of either family, who are called 主婚人 *choo-hwan-jin*, a term meaning "wedding directors," but which I shall render "guardians," it being an universally acknowledged principle in China, that no person, of whatever age, can act for himself in matrimonial matters during the lifetime or adjacency of his parents or near senior relations. The persons legally competent to act as guardians are,—1st, parents or grand-parents: failing these, 2nd, father's brother or sister, or mother's parents; and in default of these, 3rd, some senior kinsman.* The guardian's are (by law) alone responsible, and punishable to the extent of the highest degree of penalty, short of death, for contracting a marriage in any way unlawful, while the parties themselves are held guiltless, the authority of their guardians being considered law with them as juniors. Other relatives besides these above specified, may act as guardians in the negotiation of a marriage, but if concerned in contracting an unlawful union, the parties themselves are then held principally responsible, and they only suffer as accessories, excepting where the union is proved to have originated with themselves, in which case they suffer as principals under the same limitation as above described, and the persons marrying as accessories. The power of these guardians is so great that they may contract a marriage for a junior who is absent from home, and he is bound to abide by such engagement, even though already affianced elsewhere without their privity or consent. At this stage of the marriage ceremony the law requires that any blemish or incurable disease on the person of either of the individuals to be united, any defect of birth, any strangeness of kin,† or any disparity in years, shall be distinctly made known, and assented to by the family of the other, before further steps are taken to make the engagement binding.

2. *Engagement.*

After the negotiator has paved the way for the subsequent proceedings, the

* This rule does not apply to officers of Government above the seventh rank, who are at liberty to dispense with the interference of their elder relations, and act as their own "choo-hwan-jin."

† If born of a concubine or slave, or if adopted out of a kinsman's or stranger's family.

next step is the formal exchange of marriage articles and presents, which constitutes betrothal. The "Tung-le" prescribes two separate acts of betrothal, 納采 *na-tsae*, "sending gay presents," and 納幣 *na-pe*, "sending silks;" the former is usually called 行小聘 *hing-seaou-ping*, "sending the smaller presents," the latter 行大聘 *hing-ta-ping*, "sending the larger presents." In the first betrothal, the guardians of the bridegroom send to the family of the bride by the hands of a junior kinsman, accompanied by presents, a letter, containing, besides other formal phraseology, an inquiry as to the maternal parentage and date of birth of the lady, to which is annexed a memorandum giving similar particulars as regards the gentleman. The messenger is formally received by the guardians of the bride, who send back by his hands a return letter with presents in exchange. The second betrothal is simply a repetition of this ceremony, with an exchange of more costly presents, consisting of suits of clothes, ornaments, &c., suitable to the rank of the parties.

This part of the ceremonial forms the subject of a long section in the Penal Code. The marriage articles and betrothal presents once exchanged, the parties are considered irrevocably engaged, and any retraction on the part of the guardians of either bridegroom or bride makes them liable to punishment, which is of course increased in degree if they proceed to form or complete a new engagement. In such cases the bridegroom, if the injured party, is entitled, though not obliged, to take legal means for compelling the friends of his bride to restore her, even though already married to another party; and when the bride is the aggrieved person, she has a right to claim her recreant spouse, if not married elsewhere. If five years have been allowed to pass by after the expiry of the time named in the marriage articles for the completion of a marriage, without the bridegroom appearing to claim his affianced, the engagement may be dissolved upon reference to the local authorities, and the receipt from them of a sealed certificate, and the female may marry some other person without forfeiting her marriage presents. Where, however, adultery or theft has been proved against either of the contracting parties, the law gives the other liberty to withdraw from the engagement. If deceit have been practised, and there be a false substitution of party at the completion of the ceremony, the guardians are also punishable; and where the marriage thus contracted through misrepresentation has not been consummated, the bride or bridegoom whom the other party had actually engaged shall, unless otherwise affianced or married, be compelled to complete the marriage instead of the bride or bridegroom falsely named or described. If, however, the marriage have been consummated, the parties shall be separated.

3. *Naming the Day.*

The next ceremonial is called 請期 *tsing-ke*, "inquiring the day." This is done by the guardians of the bridegroom in writing, with the usual accompaniment of a few presents, and the family of the bride returning their assent, in like manner, to the day fixed upon. After the auspicious date has been decided, the bridegroom may not forcibly demand his bride before the appointed hour, nor may the bride be designedly withheld from her espoused, under pain of severe penalties to the guardians of either party.

4. *Receiving the Bride.*

This part of the ceremony is called 親迎 *tsin-ying*, and may be termed the consummation; in consists in the visit of the bridegroom to the house of the bride in public procession for the purpose of fetching home his affianced, and forms the concluding purtion of the rite. On the day previous to the one appointed for the *tsin-ying* or nuptial day, the family of the bride dispatch a messenger to the house of the bridegroom with a broom and dust-pan, as emblems of her readiness to undertake her domestic duties, and at the same time convey thither her wardrobe, together with coverlets, curtains, cushions, mats, and sundry other furniture of the bedchamber, which are expected to be provided by her family; these they arrange and lay out in readiness for the wedding. The family of the bridegroom commence their preparations early on the appointed day, by laying out a pledging-table in the bridal chamber,

and a side-table in the same room, on which are arranged the wine and cups for pledging. The "Tung-le" prescribes the number of these, namely, six in three pairs, one of which should consist of the halves of a hollow bottle-gourd divided into two, the material of the remaining pairs being optional. These prepared, the bridegroom proceeds to take a formal congé of his father, which ceremony closes with a sort of parental charge, accompanied by a command to fetch home his bride. The son having expressed his ready obedience, mounts a horse waiting caparisoned at the door, and the procession forms, the attendants with a goose,* the band of music, and the lamp-bearers in front, the bridegroom next, and the crimson bridal sedan, decked with scarfs and tassels, in the rear, followed by a host of relatives and friends. While these formalities are going on in the house of the bridegroom, the family of the bride are performing almost similar ceremonies. Her father, having first invoked the ancestral shrine, and announced the approaching alienation of a female member of the family, proceeds, in company with her mother, to take formal leave of her, preparatory to delivering her to her approaching spouse. While the former is fortifying his child with sage counsel in regard to her future bearing and deportment, her mother stands by adjusting her dress here and there, and bidding her take to heart her father's words, their child meantime receiving their advice in submissive silence. The bridegroom arrived and announced, the father or guardian of the girl goes forth to meet him, and conducts him, with certain formalities of obeisance, to the visitors' room, into which he follows, carrying the goose in his arms. On his appearance, the attendant nurse veils the bride. The bridegroom then takes his departure, followed by his bride, the father accompanying them to the door, and remounts his horse, while she is assisted into the sedan by her nurse: The bridegroom then proceeds sufficiently in advance to enable him to be in waiting to receive his spouse on her arrival, and when the sedan appears, he assists her to descend from the vehicle and conducts her through the visitors' room to the bridal chamber, inside the door of which they stand a-while, whilst the bridesmaids place seats for them at the pledging-table. Then they proceed to make mutual obeisance, and this ended, the nurse removes the bride's veil, and they sit down, the attendant maids and groomsmen bringing in the wedding repast. After they have partaken of the food placed before them, the attendants of the bride fill the bridegroom's cup, and those of the bridegroom the bride's, and they pledge one another three successive times, using the bridal cups above described for the last and great pledge. Here the ceremony ends, and they are man and wife.

On the following day the bride makes a formal visit to the rooms of her her parents-in-law, and the day after after goes through a formal service as their handmaid; this ceremony is succeeded by her introduction to the ancestral shrine on the third day, and that of the bridegroom to the wife's parents and relations some few days after.

The above formalities, which consume at least a month, often a very much longer period, are those prescribed for the taking of a 妻 *tse*, or wife, of whom the law allows but one to each individual. A system of concubinage exists among the Chinese, very similar to that practised among the Hebrews, or that permitted under the Roman law. The 妾 *tsëe*, or concubine, may be procured without any of the ceremonies above described, the simple exchange of a written contract, and the pecuniary consideration, being the only needful condition for intercourse. Concubines are principally obtained by persons in affluent and easy circumstances, and are generally chosen from amongst the lower classes, the confidential or favourite handmaidens of the wife, who follow her from her father's roof, being often selected for the purpose. The relative positions of the wife and concubine are distinctly laid down, and the law strictly prohibits the degradation of the wife to the position of a concubine, or the elevation of any of the latter to the rank of the former during her lifetime. By the wife, her partner is called 夫 *foo*, or husband, with whom she is placed on 敵體 *teih-te*, "equal terms," and to whom she is bound by all the ties of duty, honour, and affection. But with the concubine the case is different; she recognizes her partner, if so he may be called, as 家長 *kea-chang*, "head of the family,"

* The beautiful mandarin duck (*anas galericulata*), considered by the Chinese to be an emblem of the most perfect conjugal fidelity, has often been noticed in wedding processions of opulent families, but the rarity and cost of the bird put it beyond the reach of the generality of persons.

"master," one who has power over her person to do with her whatsoever he wills. Besides this, there are other marks of inferiority which attach to a concubine, namely, the informality attending her mode of procurement; her being precluded from sharing, as the wife does, in any of the outward signs of rank or position to which her master may be entitled, if he be in Government employ, or have earned literary honours; her being necessitated to wear mourning for her master's wife and her children, and only permitted to wear mourning for her master and her own sons and grandsons, while the wife is privileged to mourn equally with her husband for his deceased kinsmen; and the inferiority of the children to those of the wife in the scale of family descent; while the law also makes a distinction in adjudging a less penalty where a concubine is one of the parties concerned, than that awarded in cases where the wife is the party against whom the offence is committed.

We now come to consider the legal disabilities which constitute a bar to the performance of the rite of marriage. These I propose to arrange under three heads, which I will call incidental, temporary, and permanent; happily no spiritual courts exercise in China, as with us, a jurisdiction contemporaneous with that of the local tribunals in connection with the matrimonial relation, so that I am unable to adopt the nomenclature of our English law-books, and class disabilities under the two branches, canonical and municipal; nor have I been able, for the same reason, to arrive at any such nice distinction as that found among us, between those marriages which are only voidable, and those which are *ipso facto* and *ab initio* void. The nature of the incapacities laid down by the Chinese code would warrant me in bringing them all under one head, that of civil or municipal, but this mode of classification would be too general for my purpose.

I.—*Incidental Disabilities.*

By these I mean such as are simply contingent upon certain disqualifications on the part of either man or woman, arising from his or her peculiar profession or position in society. Of this kind the Penal Code names five,—

1st. A disability arising from the female's being under the immediate official jurisdiction of the individual.—The prohibition in this instance is chiefly directed against magistrates of departments, districts, &c., but is extended to include every executive officer actually employed in the public service. Under this section of the Penal Code, any local magistrate who, during his tenure of office, takes to wife, or into concubinage, any female under his own jurisdiction, is liable to receive eighty blows. Should any executive officer take to wife or into concubinage the wife, concubine, or daughter of any party interested in a case under his official cognizance or arbitration, he becomes liable to receive a hundred blows. The guardians of the female thus taken, and the female herself, have in either case to suffer a similar penalty, and the female must be separated from the officer, and, if already married, from her husband likewise, and restored to her kindred, but if only betrothed to her intended spouse. The employment of coercion on the part of the official increases his penalty in degree, while it releases the female from all culpability. This prohibition is intended to include all the male members of the official's family, though in such cases the official alone is liable to the penalty.

The intention of this interdict is obvious, and its careful observance must tend to the prevention of a vast amount of this species of corruption, otherwise so much in the power of a Chinese magistrate.

2nd. A disability arising from the female's being an escaped felon.—Marriage with female felons escaped from justice forms the subject of an express section in the Penal Code. The penalty attached to the breach of this law is severe, the person who marries a woman under such circumstances being liable to suffer the same sentence with that to which the woman herself has been condemned, save in cases of a capital crime, when the penalty may be mitigated one degree. Separation is also demanded, unless when the female is an unmarried or unengaged woman, and has obtained exemption by being included in a general pardon.

3rd. A disability arising from the profession of the female, with particular

reference to the position of the individual as a Government official.—The Chinese divide society into two principal classes—the honourable and the vile; the former comprises scholars, agriculturists, mechanics, and tradesmen; the latter, play-actors, prostitutes, attendants in Government offices, and jailors, among whom may also be reckoned slaves, menials, executioners, police-runners, jugglers, beggars, and all other vagrant persons. Individuals of the latter class are in general required to pursue, for three generations, some honourable calling, before they can become eligible to enter the literary examinations. Officers of Government, being placed in the position of models of propriety and patrons of the public morals, are naturally denied the liberty of associating with persons of the inferior class of society, and still more of intermarrying with them. Any breach of the prohibition under which they are placed as to marriage with such persons, renders them liable to receive sixty blows, and to be separated from the object of their choice. Any sons or grandsons of officers of Government, who inherit titular rank, are included in this prohibition.

4th. A disability arising from incongruity of class in society.—The section devoted to this prohibition, which is entitled "On marriage between the honourable and the mean," seems only to forbid the marriage of persons in respectable standing in society with menials and slaves, and does not deny them the liberty of taking them as concubines, or of uniting themselves to other members of the inferior caste, although the title would seem to warrant the supposition that it does prohibit such intermarriage. Slavery is tolerated in China, and exists to a very great extent, although the sale of children, even by their parents, and with their own consent, is actually prohibited by the law. Exception seems to be virtually allowed to families permanently distressed by famine or other causes, and many accordingly sell their children from mere stress of poverty; boys, however, are seldom parted with, but slave girls abound, there being scarcely a respectable family that is without one or more of them. Among the more opulent, a number of girls are attached to each child as personal attendants and playmates, and these are often chosen by the future husbands of the young ladies as concubines. Boys once enslaved appear to continue in a state of bondage, and their children become the property of their masters, but I can adduce no reliable authority to establish a legal possession. Girls become free upon marriage, as they follow the fortunes of their husbands, whosoever they be. Every head of a family who takes his slave to wife, or any slave who marries the daughter of an individual belonging to the respectable classes, is liable to a penalty of eighty blows; and the guardians of the female to the same punishment mitigated one degree, unless they be ignorant of the condition of the menial to whom the girl is given. When the master is only cognizant of the marriage of his slave to a free girl, he shall suffer the penalties mitigated two degrees; but should he, in consequence of the marriage, reduce the girl also to slavery, he renders himself liable to receive a hundred blows. Any person who represents a slave to be free, and marries him or her to a free person, shall receive ninety blows. In all these cases the separation shall be insisted upon, and the degraded party restored to the position to which he or she legitimately belongs.

5th. A disability arising from the profession of the man.—The Chinese laws enjoin celibacy upon all priests, Budhist or Taouist. Any priest who takes a woman to wife or into concubinage, is liable, with the guardians of the female, to eighty blows, himself to be separated from the woman, and, with all those of his brethren who were cognizant of the transaction, to be impeached. Should any priest solicit a woman in marriage under pretence of obtaining a wife for a relative or servant, and afterwards appropriate the female to himself, he is liable to be punished as for adultery.

II.—*Temporary Disabilities.*

There are but two disabilities which debar persons from entering into the marriage state:

1st. The being in mourning for deceased parents or husband.—On reference to the tables of mourning degrees, it will be seen that the prescribed term of mourning for a parent or husband is three years; this is actually commuted to twenty-nine months, during which time a child or widow is not permitted to indulge in any kind of festivity, or musical performances, to marry, to purchase

or become a concubine, or to change the slips of paper containing parallelisms, &c., pasted upon the doors. A widow, whether wife or concubine, may, if she please, marry again after the expiry of the term of mourning for her husband or master; but the statutes of the realm, as well as public opinion, equally encourage her in refusing all further engagement. By the former, amongst other schemes for rewarding conjugal and filial merit, it is decreed that any widow (wife or concubine), under thirty, who remains single, although poor and destitute, until she reaches her fiftieth year, or who, if she die before that time, can be proved to have lived ten years of indigence in unexceptional continency, is entitled to the public honour of a commemorative arch at the national expense. This eccentric sense of duty is carried to such an extent, that a young girl, who has lost her affianced by death, will sometimes leave her father's home to join, nevertheless, her intended parents-in-law, and remaining single, devote the rest of her life to their service and benefit.

Under the provisions of the Penal Code, any man or woman who marries during the period of mourning prescribed for a deceased parent, or any wife or concubine who marries while in mourning for a husband or master, becomes liable to receive 100 blows: also, any man, who, while in mourning for a parent, takes a concubine, or any woman who becomes one within twenty-seven months after the death of her husband or parent, is liable to the same penalty: the union in either case is to be declared void. A woman who has received title by virtue of her husband's rank or merit, may not marry again at all, not even after the expiry of the term of mourning, on pain of forfeiting her title and of immediate separation. Any persons concerned in contracting a marriage while cognizant of the existence of either of the disabilities above described, or while themselves in mourning for relatives of the first degree, are also liable to punishment. This prohibition with a lighter penalty extends to persons who marry during the season of mourning for senior relatives of the second degree; also to those who act as guardians for persons who may lawfully marry while they themselves are in mourning. If a woman become a widow, and her husband's parents or grand-parents endeavour to force her into a second marriage, they become liable to receive eighty blows; and if any relative less qualified to exert such authority attempt to compel her to marry, he renders himself liable to severer punishment, which is increased in degree just in proportion to the distance of his removal in relationship from the female. These penalties are further increased if the female be driven by compulsion to take refuge in suicide. If the marriage, thus contracted under persuasion, have not been consummated, the woman must be restored to her first husband's family; but if it have been completed, she must remain with the second husband.

The prohibition of marriage and feasting during the season of mourning for particular individuals is carried out to a certain extent in the case of the demise of the Emperor. On such occasions all officers of Government on service in the provinces are called upon by royal proclamation to abstain from indulging in music for a whole year, and from marrying or having their heads shaved for 100 days, while the people are commanded to refrain from the first recreation for 100 days, and from marrying for one month. Officers about the Court and in the capital are restricted for a much longer period.

2nd. Marriage during imprisonment of parents.—Marriage is prohibited under these circumstances for very much the same reasons as in those just referred to, it being considered unfilial and unnatural for a child to indulge in merriment while its parent is labouring under affliction. The law forbids any child from marrying during the imprisonment of a parent or grand-parent, on pain of receiving eighty blows, except it do so with their express injunction or consent, in which case the ceremony must be divested of all musical or festive accompaniment on pain of the same penalty. The taking of or becoming a concubine under such circumstances, is punished with a less degree of severity.

III.—*Permanent Disabilities.*

If the distinction above referred to between voidable marriages and those *ab initio* void, can be traced at all in the prohibitions of the Chinese Code, it is in the difference between the last two kinds of incapacity and the one yet to be considered. The former may be looked upon as mere hindrances to marriage,

which render the union, if formed, a voidable one, but the latter seems to be deemed by the Chinese as constituting a positive incapacity for forming any marriage contract at all, and therefore marking any union entered into in opposition to the recorded prohibition, an essentially incestuous illegal bond. These disabilities are of four kinds:—

1st. Prior marriage.—No man, as I have already remarked, is allowed to possess more than one *tse* or wife, however much he may indulge in a plurality of concubines.* The Code actually prohibits the taking of a second wife, during the lifetime of the first, on pain of receiving ninety blows. The same penalty is incurred by any person who raises a concubine to the rank or dignity of a wife during the lifetime of his lawful spouse.

There appears to be no special clause directed against bigamy on the part of the female, she being supposed to be incapable of such an offence while in her husband's proximity. The only provisions bearing upon the subject are to be found in the section upon divorce, where a wife is prohibited from absconding from home on pain of receiving 100 blows, and being sold at the option of her husband to some other person. If she abscond and then marry another man, she is liable to suffer death by strangulation, unless any legally constituted guardians have contracted the marriage for her, when they become amenable, and she is only punishable as a fugitive. If other relatives act as guardians, they are punishable as principals or accessories, as the case may be. Even when deserted by her husband, a wife is prohibited, on pain of receiving 80 blows, from abandoning her home before the expiration of three years, unless she give notice to the local authorities; and from contracting a second formal marriage without the same sanction on pain of receiving 100 blows. Concubines are included in these prohibitions under mitigated penalties.

The next disability arises from Similarity of surname. This prohibition is based upon the principle that persons bearing the same surname must at some time or other have sprung from one and the same stock. There are little more than 530 surnames distributed throughout the whole Chinese population of the Empire, and although some cases must exist where families, bearing the same name, trace their origin to different ancestors, who may have adopted the same name at various stages of the history of patronymics, yet the restriction will not appear to be unnecessary, when it is remembered that the Chinese are essentially a clannish people, and herd in families to such an extent that the commonest persons are often able to trace their descent ages back through lines of ancestry more remote than any our most ancient families can claim. The penalty attaching to the breach of this law is 60 blows.

The third disability arises from disparity of position on the family tree, and it debars a man from marrying a kinswoman or connection of any generation senior or junior to that of which he is a member. The section of the Code devoted to this restriction commences with relationships within the mourning degrees, but I shall proceed to notice first those further removed, marriage with any one of whom makes both parties liable to a penalty of 100 blows. Under this prohibition a man may not marry any of the following kinswomen two generations senior to himself:—

Paternal or maternal grandmother's sister (*i. e.*, grand-aunt).

Paternal or maternal grandmother's father's brother's daughter (*i. e.*, grandmother's cousin).

Maternal grandfather's sister (*i. e.*, grand-aunt).

Maternal grandfather's father's brother's daughter (*i. e.*, maternal grandfather's cousin).

Nor the following belonging to one generation preceding:—

Paternal or maternal grandfather's sister's daughter (father's or mother's cousin).

* It may naturally be supposed that with the liberty a Chinese enjoys to take an unlimited number of concubines, he would not seek to bless himself with a second wife; but the truth is, that respectable families are so ill-disposed to give their daughters into concubinage, and travelling backwards and forwards is so expensive to those whose profession calls them far away from home, that many men are induced to remove these and other obstacles by establishing a second domestic hearth, and hence the necessity of the prohibition.

Paternal or maternal grandmother's brother's or sister's daughter (father's or mother's cousin).

Maternal grandfather's brother's daughter (mother's cousin).

Maternal grandfathers's brother's son's daughter (mother's cousin once removed).

Nor the following kinswomen or connections of a succeeding generation :—

Paternal uncle's daughter's daughter (*i. e.*, second cousin).
Son-in-law's sister (daughter's sister-in-law).
Daughter-in-law's sister (son's sister-in-law).

Nor the following connection of two generations junior :—

*Grandson's wife's sister.**

It will be noticed that all the above kinswomen are related to the individual by affinity (in the Chinese acceptation of that term), every one being a connection through admixture of female blood : they are at the same time related beyond the five degrees of mourning, and the prohibition recorded against intermarriage with any of them, therefore, arises solely from disparity of position in the family, and not from proximity of relationship.

The only relations (by affinity) within the mourning degrees, intermarriage with whom is prohibited on the plea of disparity of position, are,—

A mother's sister,
A sister's daughter,

both of whom are related to the individual in the fourth degree.† Besides being referable to the disability under consideration, these relationships are also deemed to be of a peculiarly intimate character, and hence the penalty is more severe than that attached to intermarriage with those first mentioned, breach of the law, in the case of the former of the two, being punishable with strangulation, and of the latter with one hundred blows, and three years' banishment. In this category, and for the same reason, but under the lesser penalty, are included marriage with

An uterine stepsister,‡
A stepdaughter.

This disability also applies to the following relationships by affinity, but only on the plea of their proximity, for of course they involve no disparity of position ; the penalty is eighty blows :—

Father's sister's daughter,§
Mother's brother's daughter,§
Mother's sister's daughter.§

The fourth disability is Consanguinity (in the Chinese acceptation of the term). This includes all kinswomen and wives of kinsmen, both without and within the five degrees of mourning, but derived from common stock with the individual through descent by male line.

Intermarriage with any kinswoman known to descend from common ancestry, or with the wife of a kinsman similarly situated, if removed beyond the

* It might be remarked, that some of these relationships indicate such a disparity of years as would render marriage improbable, if not impossible; but if the peculiar customs of the Chinese, as regards early marriage, be taken into consideration, this objection will vanish at once: it is by no means an unusual thing for a woman to have a sister 30 or 40 years younger than herself, and supposing her to marry at 15, and her son at 16, the fact of her grandson being able to marry her sister becomes easy of credit.

† There are other relationships by affinity within the mourning degrees, but these are either of too intimate a character to need prohibition, or are not referable to this section of the Code.

‡ A note in the Penal Code explains that children of two different marriages are not included in this prohibition, but may intermarry at the desire and with the sanction of their respective parents.

§ An after-clause abrogates this prohibition, and permits intermarriage between children of brothers and sisters, or of sisters. Intermarriage between those of brothers is of course inadmissible by the second prohibition under this head.

degrees of mourning, makes both parties liable to a penalty of one hundred blows But if a man marry the widow of a kinsman related to him in the fifth degree, or of his *mother's brother* or *sister's son*, he becomes liable with the woman to a penalty of sixty blows, and one year's banishment. Marriage with the wife or widow of a kinsman of the fourth degree, or any more closely related, is punishable as for incest with the same relations.*

Marriage with the divorced wife of any kinsman is only punishable with eighty blows, provided that she have been re-espoused by some stranger in the interim, the tie of relationship being somewhat loosened by such alienation.

Whoever takes (marriage being altogether out of the question) his father's or grandfather's concubine, or his father's brother's wife, no matter whether divorced or alienated by second marriage or no, makes himself and the woman liable to summary decapitation; and whosoever takes his brother's widow,† is punishable with strangulation.‡

Marriage with a kinswoman related to the individual within the fifth degree is punishable as incest with the same relatives.§

* Incest with the wife of first cousin once removed (4th degree),
„ of second cousin, „
„ of grand-nephew, „
is punishable with 100 blows and three years' banishment.
Incest with the wife of grand-uncle (4th degree),
„ father's first cousin, „
„ brother, (3rd degree),
„ nephew, „
is punishable with death.

† Wherever reference is had under this head to the wives of kinsmen, concubines are equally included in the prohibition, under a mitigated penalty. An after clause makes a special exception in the case of marriage with the concubine of an uncle or brother, which is to be punished only one degree less severely than marriage with his wife.

‡ It is worthy of notice, that while the Chinese Code is so severe in its prohibition against union with a brother's widow or concubine, marriage with a deceased wife's sister is not even reverted to; nor could it have been forbidden consistently with the principles upon which the code is based, namely, the very slight importance attached to connexion through female blood, and the alienation of a female on marriage from her own family to be incorporated into that of her husband. These principles are so markedly carried out, that children of brothers and sisters may marry at pleasure, while those of brothers cannot be united on pain of death; again, a married woman is required to wear mourning for nearly all the relatives for whom her husband formally mourns, some of these very far removed, but is allowed to pay a like mark of respect only to her own very near connexions; while, on the other hand, a husband only wears mourning for his wife's parents. What a cogent argument is herein furnished against one of the theories advanced by many of the opponents of our Deceased Wife's Sister Bill, that instinct teaches us the sexes are convertible, and that, therefore, where it prevents a man from marrying his brother's widow, it should equally deny him union with his wife's sister. They have half the world opposed to them, on this side the globe at any rate, whose instincts and tendencies are as natural and unbiassed as those of any nation on earth. The marriage in question is an exceedingly common and favourite one in China. I have no means at my disposal of bringing any statistical data to show even the approximate number of such marriages, but many instances can be adduced of their prevalence both in ancient and modern times, sufficient, at any rate, to prove that the union has always been deemed a becoming and honourable one. The annals of the Chow and other dynasties tell us that it was then customary among the independent states, when the families of their princes intermarried, for the nieces and sisters of a princess to accompany her to her husband's home as bridesmaids, and that from among them was generally chosen a successor, upon her decease. Chinese history also supplies us with instances in point; Yaou, one of China's earliest and most revered sovereigns, gave his two daughters in marriage to Shun, his successor, even as Laban gave Leah and Rachel to Jacob; Ching-te, of the Han dynasty, upon the death of his Empress, chose her sister to succeed to her place and rank; and Ning-tsung of the Sung dynasty took his Queen's own sister into his palace as a concubine. Numerous cases might thus be adduced, were it necessary to enter more into detail. As a proof of the esteem in which the marriage is now held, I may refer to an example well known at Canton, that of two brothers, children of sisters, men of wealth now resident in that city, who have attained to the highest literary honours that can be reached. The practice of the Chinese, heathens though they be, in this matter, surely deserves some consideration, especially as they have been so careful to hedge about the institution of marriage with a system of restrictions which for comprehensiveness of design, severity, purity, and consistency of principle, and perfect adaptation to popular requirements, may safely bear comparison with any canonical code of which we in the West can boast.

§ Incest with a great grand-aunt, (5th degree),
„ grandfather's first cousin „
„ father's first cousin once removed „
„ first cousin twice removed „
„ second cousin once removed „
„ third cousin „
„ great grand-niece „
„ first cousin once removed (4th degree),
„ second cousin „
„ grand-niece „

It only remains now to notice two subjects intimately connected with the law of marriage, namely, divorce and incest.

Divorce.

The code enumerates seven justifying causes of divorce, and forbids a husband, unless on any one of these pleas, from putting away his wife, on pain of receiving eighty blows. These reasons for divorce are curious enough; they are barrenness, lasciviousness, inattention to parents-in-law, loquacity, thievishness, ill-temper, and inveterate infirmity. A husband cannot, however, avail himself of any of these failings in every case, there being three considerations which are sufficient to set aside the necessity of repudiation: these are—first, the wife having mourned for her husband's parents; second, her having risen with him from poverty to wealth;* and third, her having no home to which she can return.†

If, notwithstanding the existence of these relieving circumstances, he puts her away, he becomes liable to receive sixty blows, and to be compelled to take her back again. Where, however, repudiation is obligatory,‡ and it is not carried into effect, the husband is liable to a penalty of eighty blows. Mutual separation, when it is desired by both husband and wife, is quite optional; but a woman may not make her wish for separation a plea for absconding, on pain of receiving 100 blows, and rendering herself liable to be sold by her husband; nor may she, even when deserted by her spouse, leave her home until after the expiration of three years, without first giving to the local authorities notice of her intention, on pain of receiving eighty blows. Concubines absconding, render themselves liable to the same penalties, mitigated two degrees.

These peculiar statutes of the Chinese code are among the many that do not owe their origin to it as a system of legislation, but which it has adopted unaltered from the ancient ethical works upon which it is principally based; they possess therefore over the minds of the Chinese less of influence as legal requirements than as rules of action or canons of morality. Experience proves that they have not the effect of rendering the continuance of a woman in her husband's home so dependent upon his caprice as their nature would at first sight lead one to infer. The circumstances which are expected to influence a man in favour of a wife prone to the failings named above, are of such a nature, that their frequency must alone be very effective towards the prevention of divorce; but, independently of this check, the sex possesses an effectual safeguard, in the peculiarly indulgent and forgiving disposition of the Chinese character, which, no doubt, tends to make such an extreme measure as repudiation, one of very rare occurrence.

Incest.

The Chinese language possesses no technical term corresponding to "incest," in the common acceptation of the word, that crime being designated by a compound expression meaning "adultery with relatives;" but the Code simply interdicts intercourse with any of those relatives marriage with whom is already prohibited, the same system of adapting the penalty to the proximity of degree being pursued as in the marriage law.§

is punishable by 100 blows and three years' banishment: With a

Grand-aunt	(4th degree),
Father's first cousin	,,
First cousin	(3rd degree),
Aunt	(2nd degree),
Sister	,,
Niece	,,

by strangulation.

* This and the former indicate her having suffered privation enough with her husband to give her a claim to his lasting regard.

† These saving clauses lose effect in case of proven adultery.

‡ The Code only specifies that separation is obligatory on a husband when his wife "severs the conjugal tie," but it does not define what constitutes such severance. A note explains that general ingratitude, want of affection, indecorous behaviour, and perversity, are severing causes.

§ The punishment for simple adultery by mutual consent with any unmarried woman is 70 blows, which is increased to 80 in the case of a married female.

Criminal intercourse between individuals sprung from a common ancestry, though not related within the degrees of mourning, is punishable with 100 blows* to each party.

A criminal intercourse with any relative, or with the wife of any relative, of or within the fifth degree of mourning, is punishable with 100 blows and three years' banishment to each party.†

A criminal intercourse with a—

Grand-aunt,
Grand-uncle's wife,
Father's first cousin,
Father's first cousin's wife,
First cousin,
Mother's sister,
Sister-in-law,
Nephew's wife,

is punishable by strangulation to each party concerned: If with—

A father's concubine,
A grandfather's concubine,
An uncle's wife,
An aunt,
A sister,
The wife of a son or grandson,
A niece,

it is punishable by decollation to both parties concerned.

These penalties, excepting where otherwise specified, are reduced one degree, when the female is only a concubine.

Inheritance.

Little attention appears to have been given, by foreign writers upon China, to the subject of succession to property, so that we are almost altogether uninformed of their peculiar usage in this particular. Even a reference to the able translation, by Sir George Staunton, of the Penal Code, is attended with no satisfactory result to the inquirer, as the "Fundamental Laws," the only ones translated by that author, only legislate for the descent of dignities, and the succession to family representation, if it may so be termed, and contain no allusion to inheritance of property. This subject is only to be found treated of in some of the "Supplementary Laws," which, as Sir George Staunton's preface remarks, "are the modifications, extensions, and restrictions of the 'Fundamental Laws,'" appended upon after-experience, during the present dynasty, and subject to periodical revision and alteration. This absence of all legislation in the "Fundamental Code," upon a matter which, of all others, furnishes most food for litigation, presents a peculiar feature of the Chinese economy, and one which is worthy of notice, as proving to how primitive an origin their present constitution may be traced, and by what simple principles it has ever been guided. Since so marked a distinction is made by the Code between title to name and that to property, I will notice those two branches of inheritance separately.

Title to Name.

The desire of securing a male representative of the family has from time immemorial been a prominent characteristic of the Chinese mind, which has its origin principally in the importance they attach to the annual performance, by a lawful descendant, of the sepulchral rights, consisting of sacrificing at, and sweeping the graves of, ancestors, at stated seasons of the year.

The eldest son of the wife, or failing him,‡ a younger son, is always considered the lawful future representative of the family, and upon him devolves all posthumous sacrificial duties to parents and ancestors; but should the wife pass

* Another clause increases this to exposure in the "cangue" for forty days and 100 blows.

† An after-clause increases this penalty to the adulterer, who, in addition to it, is liable to be banished as a slave to the military in some part of the country near at hand.

‡ A note says, if the eldest son have borne to him a son before his death, that son claims the succession before the younger brother.

her 50th year without bearing any male issue, the eldest son of a concubine must be nominated to the place of honour. In the event of a man having no male issue whatever, the representation of the family descends to the son of a brother, failing him to the son of a first cousin, then to the offspring of a cousin once removed, and next to that of a cousin twice removed; the principle of inheritance to representation being, that the inheritor must be a male relative descended from common stock with the head of the family, and a member of the generation next succeeding that to which he (the deceased) belongs. If all these be wanting, some more distant kinsman, providing, as before remarked, he be a member of the next junior generation, or a person bearing the same surname, may be selected as the heir to the representation. Any departure from this order of procedure* renders the party offending liable to receive 80 blows. The nomination of an individual of a different surname, who has been adopted into the family, to the heirship, is not allowed under a penalty of 60 blows, and the deprivation of the child so adopted; and any relative of the child who abets such a misappropriation, is liable to the same punishment. Foundlings, if under three years of age, may be brought up in a family, and receive its name, but they cannot succeed to the representation, failing direct issue; they cannot be compelled to leave the family of their adoption, nor, if their real parents afterwards claim them, be detained in it, but they may not desert their adopted parents to join another family, on the plea of seeking their proper home, and with a view to share in that family's property.

Any child who, in consequence of the failure of direct issue, has been adopted and brought up as heir to the representation of his kinsman's name, is compelled to remain under the roof of his adoption on pain of receiving 100 blows; unless his adopting parents shall, subsequently to his nomination, have issue, and his natural parents have no other children, in which event they are at liberty to reclaim him. When a childless man has nominated his lawful representative from among his kinsfolk, he may, should the individual selected not please him, appoint the next in order, on making proper application to the local authorities for permission so to do; and, so long as such child is a member of the next junior generation to his own, the other members of the family may not object or complain, on the plea of his not being the next in order of succession. He possesses the same liberty of selection, where any cause of enmity may previously have existed between him and the lawful representative of his name, and any interference or protestation on the part of the relatives subjects them to severe punishment.

When a son, who has married, dies without male issue, and his relict resolves to remain in her widowed state; or if he die after betrothal, and his affianced binds herself to perpetual celibacy; or, further, if he die married, after having established himself in life, and his widow marry again; or if he die a bachelor upon the field of battle;—it becomes in either case obligatory upon the father to select and nominate a lawful heir to represent his name. Should there be no kinsman, of the generation succeeding that to which the son belonged, eligible for this purpose, and the father possess no other son, he is bound to appoint a lawful representative to himself, and when such representative shall have a son, to nominate the child to represent his deceased son. This rule does not extend to persons dying as minors or bachelors, excepting where a man loses an only son while a minor, and is unable to procure from amongst all his kindred a substitute related to himself in the proper degree; in such case he may nominate a representative for his son, and if such nominee be an only son, he may, provided all the members of the kin consent to such an arrangement, and give an official undertaking to that effect, be permitted to act as representative to both branches, and perform all sacrificial and ancestral rights accordingly.

* In case of descent of dignities, such as hereditary title or rank emanating from officers of the first and second ranks to their sons, a totally different principle of succession seems to be recognized, with a view, apparently, to the retention of the honour among the lineal descendants, in preference to permitting it to fall to collateral branches. Failing the eldest son, the title has first to descend to his first-born son, and so on to all his male heirs in perpetual succession. Failing them, it goes to the second son; and if he be deceased, it reverts to the second son of the eldest and his descendants, before it can pass to his own heirs. Should there be no male issue at all by the wife, the title is then inheritable by the sons of concubines, and their heirs in the same order; and failing any male issue at all, the younger brother of the deceased, or some person specially nominated by the Emperor, inherits the title. Any departure from this rule makes the party liable to receive 100 blows and three years' banishment.

Title to Property.

Very little information has been hitherto collected as to the local usages in different parts of the country with regard to the right of succession to property in China, but no doubt these are much influenced by the regulations and injunctions laid down in the Penal Code. On the death of an individual, those members of his family, who are senior to the inheritors, possess the right to act as executors of the estate, and upon them devolves the duty of seeing it properly administered, and equitably apportioned among the juniors, who claim the succession, or an interest in the property. Any claimant who presumes, without their cognizance and authority, to appropriate any part of the property, renders himself liable to a penalty of 20 blows, where the amount appropriated is valued at 10 taels, and of 10 blows more for every additional 10 taels of value abstracted. Any injustice or unfairness on the part of the executors, subjects them to the same punishment.

Upon the death of the father, his whole estate, lands,* goods, or money, is divisible among all the sons in coparcenary, without reference to seniority or birth, the youngest son of a concubine or slave being entitled to as large a share as the first-born son of the wife. Failing direct male issue,† the property devolves to the individual nominated as successor to the representation of the family, and if no such person exist, it escheats to the Crown, unless there be a daughter, in which case only she is permitted to inherit. Bastards are allowed to inherit, but only to the amount of half the share allotted to a legitimate son; if there be no other son, the natural son is entitled to divide the property with the chosen representative of the family; and if none can be nominated, he falls into possession of the whole.

No family estate may be divided by the children during the lifetime of either parents or grand-parents, every individual being considered a minor and a member of their family, so long as any of these relatives remain alive, unable therefore to appropriate the family property, or remove from the household to set up an independent establishment. The penalty attached to breach of this law, provided the parents or grand-parents themselves prosecute, is 100 blows.

Children may not moreover appropriate any portion of the inheritance, nor enrol themselves as independent householders, during the period of mourning for their parents or grand-parents, on pain of receiving eighty blows; always provided, as in the other case, that some senior kinsman or relative within the second degree prosecutes.

All quarrels about succession are rigorously prohibited, and if carried to such a length as to occasion loss of life, they render all those members engaged therein, liable to be completely excluded, in favour of some other heir to be selected by the elders of the kin.

No. 15.

Mr. Hammond to Mr. Merivale.

Sir, *Foreign Office, September* 6, 1854.

WITH reference to my letter to you of April 4th last, I am directed by the Earl of Clarendon to transmit to you herewith, for the information of Sir George Grey, a copy of a despatch‡ from Her Majesty's Minister in China, stating his opinion as to the mischievous nature of Mr. White's proceedings in that country as agent for procuring coolies for the West Indies.

I am, &c.
(Signed) E. HAMMOND.

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* Land in China is held in fee simple, on condition of registration and payment of the constituted taxes and imports, the Emperor being considered to be the original grantor or lord of the soil.

† A woman left a widow without a son, and not marrying again, may receive her husband's property in trust, until the nomination of a proper representative of her husband's name; him she must forthwith proceed to select, in consultation with the elders of her husband's kin.

‡ No. 14.

No. 16.

Mr. Peel to Mr. Hammond.—(Received September 8.)

Sir, *Downing Street, September 7, 1854.*

WITH reference to previous correspondence, I am directed by Secretary Sir George Grey to transmit to you, for the information of the Earl of Clarendon, the copy of a despatch from the Lieutenant-Governor of Hong Kong, relative to the emigration of the Chinese to the West Indies.

I am, &c.
(Signed) F. PEEL.

Inclosure in No. 16.

Lieutenant-Governor Caine to the Duke of Newcastle.

My Lord Duke, *Victoria, Hong Kong, June 5, 1854.*

I HAVE the honour to acknowledge the receipt of your Grace's despatch of 16th March last, giving cover to sundry letters from Mr. White, late West India Emigration Agent in this Colony, and the correspondence relating to these letters.

2. Your Grace desires me to instruct the Surveyor-General to place himself in communication with Mr. White respecting the establishment of a depôt for Chinese emigrant coolies destined for the West Indies, and to report my own opinion as to the expediency of such a measure. Mr. White having, as your Grace will have been apprised, returned to England at the termination of the season favourable to emigration, I can only comply with the second requirement.

3. I am decidedly of opinion, with Mr. White, that if the emigration to the West Indies from this place is to be systematic and constant, it cannot be conducted in so creditable a manner as the Government would wish, without the establishment of a depôt on shore or afloat: the former would probably be the least expensive both as to its original cost, and in regard to the establishment necessary for its due regulation.

4. It is difficult to imagine how, without the aid of such an establishment, labourers can be selected of such class as by their introduction would benefit the Colonies, for this must necessarily require time; nor how, when such selection has been made, the coolies can be prevented from absconding after the receipt of the advance wages that are always given as a part of the inducement to emigrate. The ordinary lay-days of a ship chartered for the voyage cannot be sufficient time, nor the ship a suitable place, for these preliminary arrangements; and the fact that such a depôt has been found necessary both at Macao, where emigration is in private hands, and in Calcutta, where it is under the supervision of the Government, seems to strengthen the supposition that it would also be a requisite here.

5. Such an establishment would also seem necessary to realize Mr. White's anticipations of success with regard to inducing married men and families to emigrate. Unquestionably it is most desirable that in emigration of every kind the proportion of male and female emigrants be as nearly as possible equal. When this is the case the removal of labourers from a country where the wages of labour are barely sufficient for their scanty subsistence to another country where labour is in great demand, and the climate at the same time suitable, must be a source of mutual benefit, and a work of high philanthropy. To accomplish this equalization of sexes among Chinese emigrants, we must tolerate Chinese ignorance and Chinese prejudice in regard to matrimony, which we shall find on examination to be, after all, not so far different from our own notions as might at first sight be supposed. Mr. White, in advocating the purchase of women might with equal truth have used a term less abhorrent

to our notions of freedom and less suggestive of abuse; for in reality the money and presents given to the parents of the bride are considered to be for the purpose of enabling them to send her to her husband's house provided with a suitable wardrobe, and in a manner becoming their station. Perhaps the question propounded by the parents to the intending husband what sum of money he was willing to disburse to induce them to place their daughter at his disposal, might not to European ears appear more indecorous than would to Chinese cars, the converse of the question as propounded by intending husbands in Europe to parents what sum of money they were willing to add as a dowry to their daughter, to induce him to place himself at her disposal. And both in China and England mercenary considerations in such engagements are admitted to be abnormal and improper.

6. It is true that such a bounty on marriage as that proposed, might induce some to select as their wives prostitutes from the numerous brothels within their reach; but the better the class of emigrants selected, the less probability of this contingency; and even should its occurrence be certain, I cannot look upon it with any degree of apprehension; on the contrary, I believe that very many of this unfortunate class of females, were such an opportunity presented to them of escaping from their terrible bondage, would most gladly avail themselves of it, and become thereafter grateful and virtuous wives; for a great number of them, perhaps a large majority, are purchased as slaves in their infancy, and are so trained up for the express purpose of prostitution, that their mode of life can scarcely be termed voluntary. Here it is true they are free (and they constantly take advantage of their freedom in this manner), but on the mainland they are, I imagine, utterly without the power, if without the money, to obtain their liberty. I am glad that this subject is occupying the attention of Her Majesty's Government, for I consider it to be one of the greatest importance.

7. The very best stimulant of emigration to the West Indies would be, as Mr. White remarks, the return to China for a season of those who have already emigrated, earned money, and been well treated in the country of their temporary adoption.

8. With regard to the treatment of emigrants on board their ships, the great desideratum is the selection of a good captain, for on him, more than on any arrangements that can be made before the departure of the vessel, depend the comfort, health, and good-humour of the passengers. For this reason, it is most desirable that a sufficient number of ships for the season's emigration be chartered in England.

9. The Passengers Act seems to me to be unnecessarily stringent, in regard to the number that each vessel is allowed to carry. Vessels hence to California, almost without exception, build deck-houses for the accommodation of passengers; and when they find it more profitable than to carry cargo, they lay an orlop-deck also for the same purpose. The American Passengers Act allows this; and the Emigration Officer (recently appointed, as your Grace was informed by my despatch of 4th of May last), with my sanction, permits the practice to continue, taking care only that fully twelve feet of space be allowed to each adult on the upper decks, and twenty-four feet on the orlop deck—the height between the decks being six feet. This I consider to be fully sufficient for the preservation of health, and it satisfies both the Chinese passenger and the ship-owner; and I see no reason why the same indulgence should not be allowed to ships carrying emigrants to the West Indies. It is obvious that such a relaxation from the stringent provisions of the English Passengers Act, would materially diminish the cost to the Colonies of each emigrant. The great points to be attended to are, the seaworthiness and ventilation of the vessel, the quality and quantity of the provisions, and the space allowed to each passenger. If on these the Emigration Officer satisfy himself, I consider others of minor importance.

10. It would be well, I think, if some local enactment were made to meet the peculiar situation of this place. Under present circumstances, though some effective control is absolutely requisite, the Emigration Officer is placed in the anomalous position of acting under a law of

which he enforces not a great deal more than its general spirit; to carry it out in the letter would, in my view, be productive of nothing but harm. It would simply drive away from our harbour a source of employment and wealth to the colonists, which it should be our anxious endeavour to foster and increase, and would not at the same time tend in any way to further the interest of the emigrant or of humanity. Such an enactment I purpose to submit to your Grace at a future time, when we shall have had more experience of what is required: to delay it seems necessary, not only on the score of deficient knowledge, but also that it may, if possible, be made to square with the intention of the Emigration Commissioners, in regard to the more permanent and systematic establishment of the West Indian Emigration, and with further reference to the measures on the same subject which, I am given to understand, it is the intention of Her Majesty's Government to bring before Parliament at an early period.

11. I would add, in conclusion, that if the Commissioners think fit to employ the Emigration Officer already appointed here to organise measures for a regular supply to the West India Colonies of coolie emigrants, instead of sending out a special agent for the purpose, this Government will not object. He is, I believe, quite competent for the task, and, from his acquaintance with the language and people, peculiarly fitted for it; but his services would be available as a supervisor only—want of time would compel him to leave much of the details to some trustworthy subordinate. In the former capacity and as a correspondent of the Emigration Board, I have no doubt his services would be very valuable, and would require for their remuneration a much smaller expenditure than would be necessary in the case of an officer sent from England for the purpose. I make these remarks under the impression that Mr. White does not wish to return to China, and that the Commissioners may have some difficulty in finding a suitable successor. That the emigration can be conducted only during one-half of the year is, perhaps, an additional reason for the employment as agent of some person not wholly dependent for support upon the emoluments of the office.

I have, &c.
(Signed) W. CAINE.

No. 17.

Mr. Elliot to Mr. Hammond.—(*Received October* 19.)

Sir, *Downing Street, October* 18, 1854.

IN answer to your letter of the 6th ultimo, inclosing a despatch from Sir J. Bowring relative to Mr. White's proceedings in China as Emigration Agent for the West Indies, I am directed by Secretary Sir George Grey to transmit to you, for the information of the Earl of Clarendon, the copy of a report upon the subject from the Land and Emigration Commissioners; and referring to the last paragraph of that report, I am to express Sir George Grey's wish to be furnished with a copy of Mr. Medhurst's Paper on Chinese Marriages* alluded to in Sir J. Bowring's despatch, in case the question should again arise.

I am, &c.
(Signed) T. FREDK. ELLIOT.

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* See p. 33.

Inclosure in No. 17.

The Colonial Land and Emigration Commissioners to Mr. Merivale.

Colonial Land and Emigration Office,
September 27, 1854.

Sir,

WE have to acknowledge your letter of the 20th instant, inclosing a letter from the Foreign Office, with a despatch from Her Majesty's Plenipotentiary at Hong Kong, on the subject of Mr. White's proceedings in China.

2. The emigration being now closed, at least for the present, and the matters contained in Sir J. Bowring's despatch having already undergone much discussion, it might have been unnecessary for us to have pursued the subject, but that certain passages in Sir J. Bowring's despatch involve a severe, and as we would submit unmerited, censure on some proceedings or proposals in which this Board is involved.

3. Sir John Bowring states, that on a former occasion "Mr. White placed in his hands a charter-party by which an emigrant-ship had been hired at his suggestion to take in coolies at illegal ports." We presume this refers to the charter-party of the "Martin Luther," which formed the subject of our report of the 4th June, 1853. The facts of that case were as follows: when the ship was taken up by us in England, it was uncertain at what Chinese ports Mr. White might find it possible or advisable to embark emigrants; in this uncertainty we inserted a general provision, that the captain should proceed first to Hong Kong to receive instructions, and thence to take in emigrants, to such port as Mr. White or the Governor might direct, "between Canton and Amoy inclusive." It had escaped our notice, that between these two ports there is none except Macao at which British vessels could legally trade. Our main object being to secure to the Emigration Agent (as against the ship-owner) all the discretion which he could possibly require, we were satisfied by taking care that the contract was capable of being legally carried out (namely, by shipping emigrants at one of the above three ports), and as the destination of the ship was to be determined by a Government officer, the contingency of an illegal direction did not occur to us.

4. Sir John Bowring adds, that he learnt that "the captain, finding the charter-party was an unlawful contract, emancipated himself from it, and of course could not be proceeded against for so doing."

5. In point of law we believe there is no doubt, that as the discretion reserved to the Government officer was capable of being exercised legally, the contract itself was legal and binding. In point of fact the captain was prevented from arriving in China within the prescribed time by the bad conduct of his seamen. With some difficulty, however, and we believe at a considerable loss to his employers, he ultimately made his way thither, but it was far too late to employ him. The owners acknowledged the validity of contract by paying a mulct of 100*l.* for its non-performance, and would not have disputed our right to exact a much larger sum had we not felt it right to reduce the penalty in consequence of the effort made by the captain to perform his employer's engagements.

6. It is, however, the fact, that a vessel was dispatched with Chinese from Namoa to the West Indies in 1852; and that Mr. White signified his intention to send another during the past season, which, however, was not carried into effect. On this subject we had the honour to report on the 2nd of May last.

7. Sir John Bowring stigmatizes Mr. White's plan for procuring women in Hong Kong, as being "neither more nor less than to establish under official protection a slave-market for females in a British colony." In using this language we cannot help thinking that he overlooks the distinction which exists between inflicting on our fellow creatures the evils of slavery and redeeming them from it. The effect of Mr. White's proposal would have been to transfer a certain number of females from China, in which they would have occupied the position of purchasable concubines to a British colony, where they would occupy that of free wives, and there-

fore appears to us to belong, not to the former, but to the latter class of transactions. Both, no doubt, have this point in common—that they involve the payment of money in respect of human beings. But this, we would submit, is no reason for confounding proceedings which are not only unlike, but directly opposite, in that respect on which their effect upon human happiness, and consequently their moral character, depends. On this point, however, we have nothing to add to our report of the 2nd of May, except to observe that the Acting-Governor of Hong Kong appears, from his despatch of the 5th of June, to have fully concurred in the propriety of Mr. White's plan.

8. Sir John Bowring further describes the project as one "to authorize and legalize the sale of women on British territory, and with that view to place money in the hands of ignorant coolies, on the promise that they will afterwards marry the females they buy." On reference, however, to the paper which he had before him when this description was written, it will be perceived that the proposal as made by Mr. White was, that the marriage was to take place before embarkation; and it is evident that the money would not be paid without precautions for securing this. But it is more important to observe, that without a fundamental change in British law (which, as Sir John Bowring is aware, has never been hinted at), it would be absolutely impossible to "authorize or legalize" the sale of any human being in a British colony, or to give effect to any sale of a person proceeding to such a colony, inasmuch as it would be impossible for the (so called) purchaser to acquire or retain any property in his purchase beyond the rights which English law gives a husband over his wife. This observation appears to us very materially to affect the accuracy of Sir John Bowring's description.

9. In case the emigration were ever resumed it would be very desirable that the Secretary of State for the Colonies should be in possession of the information contained in Mr. Medhurst's Paper on Chinese Marriage, referred to in Sir John Bowring's despatch, of which, therefore, it might be desirable to obtain a copy.

We have, &c.

(Signed) C. ALEXANDER WOOD.
FREDERIC ROGERS.

No. 18.

Lord Wodehouse to Mr. Merivale.

Sir, *Foreign Office, October* 24, 1854.

I HAVE laid before the Earl of Clarendon your letter of the 7th ultimo, inclosing a copy of a despatch from the Lieutenant-Governor of Hong Kong, containing suggestions for regulating the emigration of Chinese coolies to the West Indies; and I am directed by his Lordship to request that you will state to Secretary Sir George Grey that the suggestions contained in the Lieutenant-Governor's despatch appear well worthy of consideration, and that Lord Clarendon sees no reason why the emigration of Chinese coolies should be abandoned if proper precautions are taken in conducting it.

I am, &c.

(Signed) WODEHOUSE.

No. 19.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, October* 24, 1854.

I COMMUNICATED to the Colonial Department your despatch of the 5th of June last, respecting Mr. White's proceedings as agent for procuring Chinese coolies for the West Indies; and I inclose herewith, for your information, a copy of the answer* which I have received from that Department upon the above subject.

I am, &c.
(Signed) CLARENDON.

No. 20.

Sir John Bowring to the Earl of Clarendon.—(Received November 17.)

Superintendency of Trade,
My Lord, *Hong Kong, September* 15, 1854.

I HAVE received your Lordship's despatch dated July 18, on the subject of the atrocious malpractices of which Chinese coolies have been the victims, in the Chincha Islands, and I rejoice that the attention of Her Majesty's Government is again directed to a traffic overflowing with abuses and abominations.

I have published a notification in the "Government Gazette," of which I have the honour to inclose a copy, and have also directed the attention of the Colonial authorities to the matter, the result of which will be communicated to Sir George Grey.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 20.

Proclamation.

Diplomatic Department.

By His Excellency Sir John Bowring, Knight, Her Britannic Majesty's Plenipotentiary and Chief Superintendent of the Trade of British subjects in China, &c., &c.

WHEREAS authentic information has reached Her Majesty's Government of intolerable cruelties and oppressions practised upon Chinese emigrants who have been conveyed in British ships to the Chincha or Guano Islands, and reduced to a state of slavery, it is hereby made known to all consignees, owners, and commanders of British vessels in China, that they are absolutely prohibited from accepting charters or conveying emigrants to the said islands, and that any disobedience to this prohibition will be visited by the severest penalties of the law. And Her Majesty's Consular authorities are in their several jurisdictions required to ascertain and report to this Superintendency, for the information of Her Majesty's Government, any case which may come to their knowledge of such charter or conveyance of the subjects of China to the islands aforesaid, not only as regards the five legal ports of China, but from any other place or places whereat emigrants may be shipped.

Given at Victoria, Hong Kong, September 11, 1854.

God save the Queen.

(Signed) JOHN BOWRING.

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* No. 17.

No. 21.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, November* 21, 1854.

I HAVE received your despatch of the 15th of September, inclosing a copy of a proclamation which you have published, interdicting the conveyance by British vessels of Chinese emigrants to the Chincha Islands; and I have to state to you that I approve of your proceedings in this matter.

I am, &c.
(Signed) CLARENDON.

No. 22.

Consul Robertson to Mr. Hammond.—(Received November 28.)

Office of Her Majesty's Superintendent of Trade,
Sir, *Hong Kong, October* 9, 1854.

I HAVE the honour to inclose an extract from the "China Mail" newspaper of the 28th ultimo, being a notification from the Consul of Peru at Canton and Macao, having reference to the shipment of Chinese coolies to the Chincha Islands, and the proclamations of Her Majesty's Plenipotentiary on the subject.

I have, &c.
(Signed) D. B. ROBERTSON.

Inclosure in No. 22.

Extract from the "China Mail" Newspaper of September 28, 1854.

Consulate of the Republic of Peru,
Canton, September 23, 1854.

THE Undersigned, Consul for the Republic of Peru, begs to call the attention of persons connected with Chinese emigration to Peru, to the proclamations of his Excellency Sir John Bowring, Governor of Hong Kong, and Superintendent of British Trade in China, on the subject, and say:

That in Peru no person is allowed to be made a slave, and that cruelties may have been committed amongst the few Chinese sent to the Chincha Islands, but no greater than those which occur in British colonies and under British masters.

That Chinese going to Peru are under a contract to serve for a fixed period of years, and said contracts are fully complied with; and consequently it is merely an empty assertion that they are made slaves, and to declare slavery any contract entered into for servitude for a short period of years, at fair remuneration, is very difficult to believe can be established.

That to take measures to prevent Chinese emigration to the Chincha Islands, without Her Britannic Majesty's Government having first addressed the Government of Peru on the subject, or given a proper notice of the view taken of this emigration, is contrary to the general usage amongst civilised nations.

That my attention has been called as to contracts at present pending on Peruvian account for the shipment of Chinese emigrants, and my opinion desired as to their being considered cancelled by said proclamations. On this point I cannot give an opinion, but would suggest that it is scarcely possible that Sir John Bowring has been authorized by his Government to make assertions so directly attacking the honour and integrity of a nation with which England has amicable relations; and

accordingly I would recommend parties having such contracts to await a communication on the subject from the Minister of Peru in London, whom I have addressed with copies of the proclamations in question.

Chinese have been sent to the Chincha Islands, being the cheapest labour that could be procured, with the view to enable the sale of guano at low rates in the consuming countries; and I would call attention to the fact, that up to the latest dates from England, public opinion there, when directed to this question at all, was confined to complaints at the high price of guano, while no attention was paid to reports that had already reached that country, of cruelties said to be exercised in procuring it.

(Signed) W. M. ROBINET,
Consul for Canton and Macao.

No. 23.

The Earl of Clarendon to Sir John Bowring.

(Extract.) *Foreign Office, December* 8, 1854.

WITH reference to my despatch of the 18th of July last, instructing you to take steps to prevent as far as possible the shipment of Chinese emigrants to the Chincha Islands, I have to acquaint you that from information received by Her Majesty's Government it appears that the Chinese labourers at the Chincha Islands are now better treated and under regular supervision.

Under these circumstances it may be unnecessary to continue the prohibition issued by you on the 11th of September, against the conveyance of Chinese emigrants to the Chincha Islands in British vessels.

No. 24.

Consul Robertson to Mr. Hammond.—(Received December 28)

Office of Her Majesty's Superintendent of Trade,
Sir, *Hong Kong, November* 10, 1854.

DEEMING that some information with reference to the shipment of Chinese coolies to Peru might be acceptable to Her Majesty's Government, and more particularly so at a time when public attention has been called to the treatment these people are said to undergo at the Chincha Islands, I have the honour to inclose a tabular statement of the Chinese shipped to Peru under the designation of colonists, from the years 1849 to 1854 inclusive, which I obtained from the records of the Peruvian Consulate at Canton. From this document, which I have no reason to suppose is incorrect, it will be seen that the number of Chinese shipped within the above-mentioned period amounts to 7,356 individuals. Of these 4,754 were landed at their destinations, and 549 died on the passage.

I have, &c.
(Signed) D. B. ROBERTSON.

Inclosure in No. 24.

STATEMENT of Chinese shipped to Peru as Colonists, under Contracts of 5 and 8 years, none of which have as yet expired.

Date of Departure.	Ship's Name.	Flag.	Captain's Name and Nation.		Ship's Tonnage.	Where bound.	No. of Chinese Shipped.	No. of Chinese Landed.	Deaths.	Place of Shipment.	Shippers.	REMARKS.
1849. June 7	Fredk. William .	Danish .	Paulsen .	Danish .	430	Callao . .	75	75	...	Cumsingmoon	Don Elias.	
1850. Feb. 17	Lady Montague .	British .	J. R. Smith .	British .	763	„ . .	440	241	199	„	„ . .	Caused by ill-treatment and drunkenness of officers and Captain.
June 13	Empresa . .	Peruvian.	J. White .	„ .	446	„ . .	300	252	48	„	„	
Sept. 24	Albert . .	French .	J. Paine .	French .	292	„ . .	245	...	...	„	„ . .	Captain cut their tails; they killed him, and landed back in China.
Oct. 7	Chile . .	„ .	J Vermiol .	„ .	376	„ . .	300	...	...	„	„ . .	Put back leaky; men discharged.
„ 14	Manuelita . .	„ .	Las Casas .	„ .	200	„ . .	180	176	4	„	„ . .	Put into Manilla, and transshipped per "Orixa."
1851. Jan. 31	Mariner . .	British .	Harland .	British .	685	„ . .	409	400	9	Macao . .	Sevilla and Co.	
Feb. 21	Coromandel .	„ .	Brown . .	„ .	663	„ . .	404	400	4	„	„	
Dec. 5	Victory . .	„ .	Mullins . .	„ .	579	„ . .	350	...	...	Cumsingmoon	„ . .	Rose and killed the Captain, and landed in China seas.
1852. Feb. 2	Susannah . .	Peruvian.	Lukey . .	„ .	514	„ . .	325	319	6	„	„	
„	Beatrix* . .	„ .	Edwards .	„ .	376	Callao and Panama	300	...	...	„	W. M. Robinet .	Ship wrecked at Singapore; all men deserted.
July 12	Empresa . .	„ .	White . .	„ .	446	„ .	420	393	27	„	Sevilla and Co.	
April 10	Miceno . .	„ .	Gonzales .	Peruvian.	230	„ .	5	5	...	„	„	
Nov. 24	Ohio . .	American	Raupach .	Danish .	373	„ .	300	228	72	„	Alson.	
1853. Jan. [2	Eliza Morrison .	British .	Mc Culloch .	British .	797	„ .	420	404	16	„	Sevilla and Co.	
„ 26	Isabel Quintina.	Peruvian.	Beazley .	„ .	514	„ .	325	316	9	„	„	
Feb. 11	Yaqué . .	Mexican .	Lazaniga .	Spanish .	237	„ .	200	198	2	Macao . .	Alson.	
„	Nepaul . .	British .	Neil . .	British .	1,006	„ .	500	492	8	Cumsingmoon	Sevilla and Co.	
March 8	Rosa Elias .	Peruvian.	G. Wheatley .	„ .	233	„ .	200	...	...	„	„ . .	Rose and killed the Captain, and landed near Singapore.
„ 19	Empresa . .	„ .	White . .	„ .	446	„ .	425	329	96	„	„ . .	Had ship fever on board.
1854. Feb. 20	Isabel Quintina.	„ .	Beazley .	„ .	514	„ .	325	278	47	„	„	
„	Amazon* . .	British .	Vincent .	„ .	346	„ .	250	248	2	Swatow .	W. M. Robinet .	Guaranteed not to work in guano.
March	Grimineza .	Peruvian.	Penny . .	„ .	700	„ .	600	...	...	„	Sevilla and Co. .	Lost on Brampton shoal.
June 10	Santiago* . .	„ .	Loutano Rosa .	Chilian .	300	„ .	58	...	...	Macao . .	W. M. Robinet .	Guaranteed not to go to Hume Island.
					11,470		7,356	4,754	549			

* All had doctor, provisions and water for 150 days, and interpreter.

No. 25.

Mr. Sulivan to the Earl of Clarendon.—(Received January 11, 1855.)

My Lord, *Lima, November* 25, 1854.

ALTHOUGH I have frequently pressed upon the Peruvian Minister for Foreign Affairs, Señor Gomez Sanchez, the necessity which exists that he should lose no time in giving to me the Government report respecting the treatment at the Chincha Islands of the Chinese labourers, yet I have not been able hitherto to obtain that statement from his Excellency.

I trust, however, that the reports which I have already had the honour to forward will, to a certain degree, have satisfied your Lordship that whatever may have been the ill-usage of the Chinese under the contract of Don Domingo Elias, yet that no such cruelties are practised at present.

I have the honour to inclose translation of a Decree of the President of Peru, ordering that the Chinese labourers in the Chincha Islands shall receive 8 dollars a-month as wages, and that in all cases they be well treated.

I have, &c.
(Signed) S. H. SULIVAN.

Inclosure in No. 25.

Decree.

(Translation.) *Department of Finance, Lima, September* 15, 1854.

CONSIDERING that the Government is bound to ameliorate, in so far as is possible, the condition of the Chinese working in the Guano Islands; that the political prisoners who cannot be forced to work should not remain in the said islands; that the prisoners condemned to hard labour in the public works for the term of their punishment have no right to more daily pay than that which is necessary for their maintenance: It is resolved that the Chinese employed in the works of the Guano Islands according to their respective contracts, shall receive 8 dollars a-month, divided into weeks or as may be convenient; that the authorities of those places take heed that they be not ill-treated, and that good provisions be supplied to them; that the political prisoners who cannot be employed in the digging and shipping of guano shall be embarked and sent to Callao at the disposal of the War Department, and that the prisoners employed in the public works be paid a daily sum of 4 reals to cover all their expenses.

Let this be communicated and registered.

(Signed by his Excellency.)

(Countersigned) MENDIBURU.

No. 26.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, January* 6, 1855.

WITH reference to my despatch of the 8th December, respecting the treatment of Chinese emigrants at the Chincha Islands, I transmit to you herewith a copy of a despatch* from Her Majesty's Chargé d'Affaires at Lima on the same subject.

I am, &c.
(Signed) CLARENDON.

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* No. 25.

No. 27.

Sir John Bowring to the Earl of Clarendon.—(*Received January* 27, 1855.)

Superintendency of Trade,
My Lord, *Hong Kong, November* 28, 1854.

IN reference to your Lordship's despatch dated 9th August, in which I was directed to make inquiries as to the circumstances under which the port clearance was granted by the Harbour Master of Hong Kong to the British barque "Susannah," I have the honour to inclose copy of a letter addressed to the Colonial Secretary by Mr. E. R. Michell, who signed the port-clearance in question.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 27.

Mr. Michell to the Colonial Secretary.

Harbour-Master's Office,
Sir, *Victoria, Hong Kong, October* 7, 1854.

I HAVE the honour to acknowledge the receipt of your letter of this date, having reference to the port-clearance granted to the British barque "Susannah," with Chinese emigrants, and a letter addressed to Lord Wodehouse upon the subject of coolie emigration, and in reply beg most respectfully to state, that there being no custom-house at this port, the duty of granting port-clearances devolves upon the harbour-master, who is required, under Section 10 of Ordinance No. 11 of 1845, to grant port-clearances to all ships, agreeable to a form to be deposited in his office, without demanding declaration of the truth of the master's report before granting the port-clearance, as is usual in other Colonies.

I would be permitted to remark, that in China the terms used, "Chinese emigrants" and "Chinese coolies" are understoed to be widely different, the former being a class of persons who have paid their passage, so many thousands of whom cleared from this port during the last year; while the latter are understood to be those who have had their passage paid for them under an agreement, such as those who left this port in April last in the British ship "Epsom" for Jamaica, and many others at a former period for New South Wales. In either case, however, the port-clearance granted to the "Susannah," is in accordance with the usage of the port, from the commencement of the Colony up to May last, when an emigration officer was appointed, from which period no vessel has received a port-clearance with passengers without having first obtained that officer's certificate.

In conclusion I would beg to remark that the port-clearance, said to be a copy of the one granted from this office, is incorrect, and that when the port-clearance was granted to the "Susannah," it was not supposed that the iniquitous charge laid to the master could be for a moment perpetrated. The port-clearance I conceive to be no warranty, and that he is alone responsible for such acts.

I have, &c.
(Signed) E. R. MICHELL.

No. 28.

Mr. Sulivan to the Earl of Clarendon.—(*Received February* 7, 1855.)

(Extract.) *Lima, December* 22, 1854.

IN my despatch of the 25th of November last, I had the honour to inclose to your Lordship the copy of a Decree of the Peruvian Government respecting the treatment of the Chinese labourers in the Chincha Islands.

I have now the honour to transmit the copy and translation of a note which I have received from the Peruvian Minister for Foreign Affairs, entering into details relative to those Chinese, which, added to the documents I have already in former despatches had the honour to forward, will, I trust, have satisfied your Lordship that whatever may have been the cruelties practised upon those Chinese labourers under the contract of Don Domingo Elias, they have now no cause for complaint.

Inclosure 1 in No. 28.

The Peruvian Minister for Foreign Affairs to Mr. Sulivan.

Lima, 12 *Diciembre,* 1854.

HE recibido la nota de VS. fecha 2 de Setiembre último, en la que me dice VS. que tiene orden de su Gobierno para transmitir ál del Peru copia de una carta del Tribunal de Comercio, á la que está unida la representacion de ciertos capitanes de buques llegados à Ynglaterra de las Islas de Chincha, y que han causado horror á Su Majestad las crueldades que sufren los Chinos que trabajan en la esplotacion del guano en dichas islas á ordenes de personas dependientes del Gobierno Peruano.

No debiendo considerar la interposicion de la Legacion Ynglesa en este asunto, sino como oficiosa y amigable, y como un simple aviso en favor de la humanidad, me es muy satisfactorio decir á VS. que los capitanes que firmaron la representacion, procedieron sin duda animados de falsas impresiones y tal vez de algunas miras de interes privado que procuraron hacer conocido asociandole á una cuestion de humanidad; pues se les ve que tratando de los sufrimientos de los Chinos se avanzan á emitir opiniones sobre el sistema actual de la venta del guano, calificandolo de monopolio, y sobre la conveniencia de emplear en el cargio á los marineros que tripulan los buques.

Ya habia llegado á conocimiento del Gobierno por la nota del Consul de la República en Canton, de la que acompaño á VS. copiados algunos fragmentos, que en el exterior se hablaba con acrimonia acerca de las crueldades de que los Chinos eran victima en las Islas de Chincha. El Gobierno Peruano, impulsado tambien por sentimientos de humanidad, mandó esclarecer los hechos; y por los informes que acompaño en copia, del General Don Carlos Lagomarcino, Gobernador de las islas, y de un empleado subalterno á que se refiere, se convencio de que carecian de fundamentos todas las voces que circulaban sobre los supuestos padecimientos de los Chinos. Sin perjuicio de esto reiteró ordenes espresas para que se les tratase con humanidad, y ultimamente expedió el Decreto de 15 de Setiembre inserto en el "Peruano" que acompaño tambien á VS., duplicando el salario que ganaban segun sus contratos primitivos.

Siendo este asunto de la esclusiva competencia del Gobierno Peruano, he entrado en los pormenores de esta nota solo por un sentimiento de consideracion hacia él de Su Majestad Británica y por el propio decoro de la Administracion, interesada en desvanecer toda imputacion que pudiera presentarla como capaz de permitir que se ejecutasen actos de crueldad sobre ninguna clase de hombres, cualquiera que sea su raza ó condicion.

Con sentimiento, &c.

(Firmado) JOSE LUIS G. SANCHEZ.

(Translation.)

Lima, December 12, 1854.

I HAVE received your note dated 2nd of September last, in which you state to me that you have received instructions from your Government to transmit to that of Peru a copy of the letter of the Board of Trade, inclosing the representation of certain captains of vessels arrived in England from the Chincha Islands, and that Her Majesty is horrified at the cruelties suffered by the Chinese labourers in the digging of the guano in those islands, under the orders of persons employed by the Peruvian Government.

As the mediation of the British Legation in this matter cannot be considered but as friendly and as a simple notice in favour of humanity, I have the satisfaction to state to you that the captains who signed the representation acted, there is no doubt, under false impressions, and perhaps with some private interested view which they have made known by associating it with a question of humanity; for in speaking of the sufferings of the Chinese, they pretend to emit opinions upon the actual system of the sale of the guano, terming it a monoply, and upon the convenience of employing the crews of the vessels in the loading of the guano.

The Government had already been acquainted by the note of the Consul of the Republic in Canton, of which I inclose extracts, that in foreign countries, the cruelties of which the Chinese were the victims in the Chincha Islands, were spoken of with acrimony. The Peruvian Government, influenced also by feelings of humanity, directed that an inquiry should be made into the truth of the facts; and from the reports, copy of which I inclose, of General Charles Lagomarcino, the Governor of the islands, and of a subaltern employé, to which he refers, they are convinced that there were no grounds for the statements which were circulated respecting the supposed sufferings of the Chinese. Notwithstanding this, however, the Government gave express orders that they should be treated with humanity, and later issued the Decree of 15th September, inserted in the "Peruano," copy of which I also inclose, doubling the wages which they gained according to their original contracts.

Although this matter is an exclusive affair of the Peruvian Government, I have entered into the details contained in this note, purely on account of the feeling of respect which they entertain towards Her Britannic Majesty's Government, and for the honour of their own Administration, that is interested in removing every imputation which could represent it as capable of permitting the execution of acts of cruelty upon any class of men, whatever may be their race or condition.

I have, &c.

(Signed) JOSE LUIS G. SANCHEZ.

Inclosure 2 in No. 28.

The Governor of the Chincha Islands to the Peruvian Minister for Foreign Affairs.

Excelentisimo Señor, *Islas de Chincha, 22 de Junio de* 1854.

LOS hechos aducidos en el anterior informe, me son constantes, y si me ocupase de ellos, no haria otra cosa que reproducirlo. Respecto de los Asiaticos ocupados en el trabajo de estas islas, hay sin duda que distinguir dos epocas distintas; la trascurrida hasta Diciembre proximo passado, en que vivieron bajo la subordinacion de sus respectivos patronos, y la que ha trascurrido hasta el dia desde esa fecha 24 de Diciembre, en que el Supremo Gobierno creando una autoridad en estas islas ha hecho imposible todo genero de maltrato.

En esta segunda epoca, no hay duda, los trabajadores han mejorado de posicion; el acarreo del huano se hace por carros, se pagan á seis reales

cada uno de ellos, y el peon, libre ó presedario, gana á proporcion de su labor, habiendo algunos que entregan tres carros diarios, y dos la mayor parte. Estan pues contentos con sus ganancias, circula bastante numerario y diariamente se aumentan sus comodidades. El estimulo reina entre ellos y la fuerza del trabajo se debe en la actualidad á nuestro presidio y no á los colonos Asiaticos.

Estos se hallan bajo de otro regimen; su trabajo es proporcionado á su complexion, sus ganancias son las estipuladas en sus contratas, y los encargados del Supremo Gobierno del carguio de huano no solo respetan y cumplen estas, sino que tambien les han aumentado el alimento y mejorado el vestido.

La epoca á que se contrae nuestro Consul en Canton, se refiere al tiempo en que el Supremo Gobierno no tenia en estos trabajos una participacion tan imediata, pero con todo no es creible que jamas se les hubiese tratado de aniquilar, porque la conveniencia de sus mismos patronos exijia su conservacion y esta es incompatible con el maltrato, el hambre y el escesivo trabajo.

Con lo espuesto y el informe del encargado de los trabajos de estas islas, dejo cumplido el superior decreto marginal de VS.

(Firmado) CARLOS LAGOMARCINO.

(Translation.)

Sir, *Chincha Islands, June* 22, 1854.

THE facts adduced in the foregoing statement are true, and if I myself entered into a report upon the subject I could not do otherwise than reproduce it.

Respecting the Chinese employed in the works of these islands, it is necessary to distinguish two distinct periods; the period previous to December last, during which they existed under the subordination of their respective masters, and the period from that time to the present day. From that day, 22nd December, on which the Supreme Government appointed an authority in these islands, all maltreatment has been made impossible.

During this second period it cannot be doubted that the situation of the labourers has improved: the transportation of the guano is effected by cart-loads, for each one of which 6 rials are paid. The free or prison labourer earns in proportion to his work. There are some who deliver three cart-loads each daily, and the greater number two cart-loads daily; they are therefore contented with their gains, money circulates abundantly, and their comforts increase daily. Encouragement predominates amongst them, and the principal portion of the work done at present is due to our prisoners, not to the Chinese colonists.

These are placed under a different arrangement; their labour is in proportion to their constitution, their gains are those stipulated in their contracts, and the Supreme Government contractors for loading the guano not only respect and fulfil those contracts, but they have also increased their food and improved their clothing.

The time referred to by our Consul in Canton was when the Supreme Government took no immediate part in these works, but notwithstanding this it is not to be credited that any attempt should have been made to annihilate the Chinese, because the convenience of their employers themselves demanded their preservation, which is in contraposition with maltreatment, starvation, and excessive labour.

With the foregoing statement, and the report of the overseer of the works of these islands, I have the honour to fulfil the marginal decree of your Excellency.

(Signed) CARLOS LAGOMARCINO.

Inclosure 3 in No. 28.

Señor Serrate to the Governor of the Chincha Islands.

Señor General-Governador, *Islas de Chincha*, 21 *de Junio de* 1854.

CUMPLIENDO con el anterior decreto debo esponer á VS. que lejos de tildarse de opresora la conducta que se observa con los colonos Asiaticos que se ocupan en los trabajos de estas islas, es mas bien humana, benefica y generosa, pues se les da algo mas de lo estipulado en sus contratos.

En cuanto á los alimentos reciben lo necesario para su comodo mantenimiento y en mayor cantidad que la especificada con ellos mismos, pues no están sugetos á racion determinada, sino que reciben diariamente todo lo que ellos mismos pueden consumir, pues se ha observado que estos individuos en nuestro clima son mas voraces y golosos.

El pré ó salario á que por dichas contratas tienen derecho jamas se les ha hecho ilusorio ni retardado un solo dia, recibiendo algunos de ellos algo mas mensualmente como compensativo á su contraccion al trabajo; se les ha proporcionado ademas un alojamiento abrigado con su entarimado de madera en donde descansan y duermen.

Desde que el actual y filantropico Gobierno ha autorizado á la casa de los Señores Guillermo Gibbs y Ca. para que no escasee cosa alguna que pueda contribuir ál bien estar de ellos, se les ha cuidado en el vestido, y se les atiende en sus dolencias; para lo cual se ha hecho un nuevo hospital surtido de todo lo necesario, que casi se puede decir toca en lujoso, atendida la posicion de las islas y á la dificultad de proporcionar de pronto una que otra cosa que pueda faltar, corriendo todo él á cargo de un facultativo y sus correspondientes dependientes. Este modo de proceder tan humanitario solo es dado hacerlo á una nacion cuyo Gobierno tiene por objeto el aliviar la vida penosa del trabajador; pues aunque cualquier particular se hubiere propuesto lo mismo le habria sido ruinosa y tal vez imposible de realizar.

El trabajo que se impone á los Chinos es tambien proporcionado á la debilidad de su complexion, pues cuando cada uno de los demas trabajadores entrega diariamente un carro, y los mas dos, de cuatro toneladas de huano cada uno, el Asiatico solo es obligado á tres toneladas, que conduce en carretillas reducidas y con pequeño esfuerzo. De entre ellos ha habido muchos que han sido economicos, por cuyo medio han reunido la cantidad necesaria para chancelar sus contratos, los que han continuado trabajando voluntariamente y han sido pagados como cualquier trabajador libre. Los indolentes y perezosos han sufrido sus correcciones, pero jamas estas fueron imprudentes ni les impidieron continuar en trabajo diario; pudiendo decir, haber conseguido la reforma de muchos de ellos, por la vigilancia con que se les persigue, á lo que tienen mas temor que á otra clase de castigos.

VS. es sin duda testigo ocular de todo esto como asi mismo de todas las demas operaciones mecanicas que se efectuan diariamente en las islas, y que es tambien cuanto puedo informar sobre el particular.

(Firmado) S. SERRATE.

(Translation.)

Señor Governor-General, *Chincha Islands, June* 21, 1854.

IN fulfilling the foregoing decree, I have to state to you, that instead of stigmatising as oppressive the conduct observed towards the Asiatic colonists employed in the works of these islands, it is humane, beneficent, and generous, for they receive more than what is stipulated in their contracts.

With reference to the provisions, they receive what is necessary for their maintenance, and more than the quantity agreed upon with them; for they are not subject to a specified ration, but they receive daily as much as they can consume, it having been observed that these individuals in our climate are more voracious and dainty.

The pay or wages to which, in consequence of their contracts, they are entitled, has never been refused nor delayed for a single day. Some of them receive an additional sum monthly as a recompense for their attention to their work. A warm dwelling-house, with a wooden flooring, where they can rest and sleep, has also been provided for them.

Since the present philanthropic Government have authorised the house of Messrs. William Gibbs and Co. to prevent the scarcity of anything which can contribute to their well-being, their clothing has been cared for, and the sick are attended to, for which purpose a new hospital has been constructed provided with every necessary, that it may almost be said that it borders on profuseness, considering the position of the islands, and the difficulty of immediately replacing some articles, the whole being in charge of a medical man and his assistants. This mode of proceeding, so humane, can only be effected by a nation the object of whose Government is the alleviation of the hard lot of the labourer; for if any private individual had proposed to do the same, it would have been ruinous to him, and perhaps impossible to realise.

The labour exacted of the Chinese is also in proportion to their strength; for whilst each one of the other labourers delivers daily one waggon-load, and most of them two, of four tons of guano each, the Chinese are only bound to deliver three tons each, which they carry in small barrows and with little exertion. Amongst them there have been many who have been economical, by which means they have saved the amount necessary to cancel their contracts, and they have continued working voluntarily, and have been paid the same as any other free labourer. The indolent and lazy have received corrections, but never such as are imprudent, nor which prevented them continuing their daily work; and it may be said that many have been reformed by the strict vigilance kept over them, of which they have more fear than of any other punishment.

You, Sir, are an eye witness of all this, as also of all the other mechanical operations effected daily in these islands, and which is also all that I can report upon the matter.

(Signed) S. SERRATE.

Inclosure 4 in No. 28.

The Peruvian Consul at Canton to the Minister for Foreign Affairs.

Consulado del Peru en Canton,
11 de Febrero de 1854.

Señor Ministro,

DESDE que dirigí á VS. mi nota anterior No. 104, he visto por los papeles publicos de Hong Kong, confirmado hasta cierto punto, lo que se dijó y anuncie á VS. en mi nota de Junio 11 de 1853, respecto al estado en que salio á la mar la barca nacional "Empresa" conduciendo Chinos al Peru. Segun lo que se dice, parece que el capitan de dicha barca y mas de 100 Chinos murieron en la travesia por falta de viveres adecuados, ventilacion y exesivo numero; que todo esto originó fiebres, que no podian curarse por falta de medicinas. Como no se pierde oportunidad en que apoyar la oposicion que se hace á este trafico, que lo comparan ál de negros, se ha aprovechado de lo acaecido á la "Empresa" para renovar los ataques, de los que el Peru es participe en mayor grado.

A las Islas de Guano se las representa como otros tantos presidios, donde los Chinos son maltratados. Hasta cierto punto no puede desmentirse ésto por falta de datos, y mucho mas cuando los mismos capitanes de buques Peruanos, que vienen con huano para retornar con Chinos, dan tales noticias.

El capitan de la "Victoria" llegado hace poco, me ha dicho en el escritorio ante otra persona, "que los Chinos en las Islas de Chincha eran tratados peor que esclavos." Debido á lo dicho es que se ha copiado aqui de los papeles Ingles un despacho de Dr. Bowring (antes Superin-

tendente en China), referente á emigracion China, en el que, despues de hacer referencia á las islas de huano, dice, "que los Chinos se venden en el Peru en la plaza publica."

(Translation.)

Sir, *Peruvian Consulate, Canton, February* 11, 1854.

SINCE I addressed to your Excellency my note No. 104, the newspapers of Hong Kong confirm, to a certain degree, that which was stated, and which I reported to your Lordship in my note of the 11th June, 1853, respecting the state in which the national barque "Empresa" went to sea with Chinese for Peru. According to what is stated, it appears that the captain of the above-mentioned barque, and upwards of 100 Chinese, died during the voyage, of want of provisions and ventilation, and from excess of numbers; that all this caused fevers, which could not be cured for want of medicines. As no opportunity is lost to support the opposition made to this traffic, which is compared to that of negroes, the occurrence to the "Empresa" has been made use of to renew the attacks which are mainly directed against Peru.

The Guano Islands are represented to be as so many prisons, where the Chinese are maltreated. To a certain point this cannot be denied, for want of proofs, and more so as the captains themselves of Peruvian vessels, who come with guano to return with Chinese, give such information.

The captain of the "Victoria," lately arrived, has stated to me in my office, in presence of another person, "that the Chinese in the Chincha Islands are treated worse than slaves." It is in consequence of those statements that the newspapers here have copied from the English papers the despatch of Dr. Bowring (late Superintendent in China), in reference to Chinese emigration, in which, after making reference to the Guano Islands, he says "that the Chinese are sold in Peru in the public square."

No. 29.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, February* 21, 1855.

WITH reference to my despatch of the 6th ultimo, inclosing a copy of a despatch from Her Majesty's Chargé d'Affaires at Lima respecting the treatment of Chinese emigrants at the Chincha Islands, I inclose herewith, for your information, a copy of a further despatch* from Mr. Sulivan upon the same subject.

I am, &c.
(Signed) CLARENDON.

No. 30.

Sir John Bowring to the Earl of Clarendon.—(*Received March* 2, 1855.)

Superintendency of Trade,
My Lord, *Canton, December* 18, 1854.

I HAVE the honour to accompany copy of a communication made by Mr. Robinet, the Peruvian Consul in this port, to Mr. Consul Robertson, on the subject of coolie emigrants intended to be conveyed to Peru.

I have, &c.
(Signed) JOHN BOWRING.

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* No. 28.

Inclosure 1 in No. 30.

The Peruvian Consul at Canton to Consul Robertson.

(Translation.)

Sir, *Consulate of Peru, Canton, December* 12, 1854.

THE Peruvian ship "Catalina" being at Whampoa, preparing to carry Chinese emigrants to Peru, and the vessel being commanded by a British subject, and wishing to avoid any misinterpretation, or the consequences thereof, I will be much obliged if you would obtain information from his Excellency Sir John Bowring, Her Britannic Majesty's Plenipotentiary in China, and Governor of Hong Kong, &c., whether any objections will be placed in the way to prevent the said Captain from proceeding to Peru with Chinese emigrants, in virtue of the contract that he has to that effect.

In asking this of you my sole motive is the desire to avoid any losses that may arise to the parties concerned in consequence thereof, and at the same time preserve the best feeling in the unpleasant duty which devolves upon me to fulfil.

The accompanying Decree of his Excellency the Minister of Foreign Affairs in Peru, relative to the emigration of Chinese, I deem worthy of your attention, and avail, &c.

(Signed) G. M. ROBINET.

Inclosure 2 in No. 30.

Decree.

(Translation.)

HAVING received despatches from the Peruvian Consul in Canton, together with accompanying documents relative to this, and taking into consideration—

1st. That the Republic has been accused, in foreign countries, of suspicion of reducing to slavery the colonists, and that this calumny has been repeated in private letters, and even in official documents published by the press, referring to the immigration coming from China;

2ndly. That the Chinese in Peru being free, and enjoying the same rights of all foreigners, are only obliged to comply with the contracts by them freely executed, according to the laws of the country;

3rdly. That the provisions formerly made by the Government, that the Asiatic expeditions might be conducted in the best manner possible, with safety and convenience to the immigrants, not having been sufficient, and in order to enforce the resolutions that apply to the object in view:

Resolved—

1. That the authorities of the Republic lend their aid and protection to the Asiatic colonists, as well as the parties who have entered into contract with them, in their respective positions, for the complying or fulfilling their contracts, according to the laws of the country.

2. That no contract with Asiatics, the term of which having transpired, can be extended for more time than that stipulated in China, and if the desire of the colonist be to renew the same, or effect another, it will be necessary for his concurrence, together with that of the contractor, before a Justice of the Peace, who shall authorize the respective act, in which shall be expressed all the conditions of the agreement.

3. That no tribunal of the Republic can admit demands for expenses or chartered vessels for the Asiatic immigration, without the expedition having obtained legal permission from the Consulate of the Republic, designated in posterior Articles, the Government taking care to prevent the landing of any expedition wanting the necessary requisites, in order

to avoid the introduction of men of bad habits, and those incompetent to perform the duties assigned to them.

4. That no tribunal or official authority can consider valid the contracts of the Asiatics that may be introduced into the Republic after the 1st of May, 1855, without such contract having the certificate and seal as indicated in the following article.

5. That the persons that embark in Asia for Peru should be, first, young, moral, healthy, and industrious; secondly, that care must be taken to ship them in good, sound vessels, which are in condition to perform the voyage, and provided with sufficient wholesome food, and not more to be received on board than the number allowed according to tonnage of vessel; thirdly, that at the foot of every contract celebrated hereafter in Asia with emigrants, must appear the certificate and seal of the Peruvian Agent or Consul, as designated in the following Article, who should certify to the free and voluntary agreement made between the emigrants and contractor, witnessed by two persons.

6. The Peruvian Consuls in China will carry out the views contained in Article 5, taking care that the obligations on the part of the contractors be exactly observed; for which purpose, and before the contracts are legalized, they will exact from the said contractors certificates and necessary vouchers regarding the condition of the vessel and provisions, the state of the coolies, &c., having power to authorize persons versed in such matters to investigate the condition of the same.

Published by order of his Excellency.

(Signed) GOMEZ SANCHEZ.

No. 31.

Sir John Bowring to the Earl of Clarendon.—(Received March 2, 1855.)

Superintendency of Trade,
Hong Kong, December 31, 1854.

My Lord,

I HAVE received your Lordship's despatch dated 24th October, and the inclosure from the Colonial Office.

I still retain the opinion that the authorized sale of women in a British colony would lead to intolerable abuses, but as I have no reason to suppose that your Lordship adopts the views of the Colonial Land and Emigration Commissioners, I deem it unnecessary to pursue the controversy.

In reference to the third paragraph of their letter, in which it is stated that the "Martin Luther" was chartered "to take in emigrants at such port as Mr. White or the Governor (of Hong Kong) might direct between Canton and Amoy, inclusive, it had escaped our notice that between these two ports there is none, except Macao, at which British vessels could legally trade," I have only to say that Macao is not between Canton and Amoy.

I hope my disposition and determination to employ every proper influence at my disposal, in order to check the dreadful crimes and miseries which have been connected with the transport of Chinese coolies to foreign countries, will not be interpreted into any unwillingness on my part cordially to aid and further a well-devised and properly-protected system of emigration to Her Majesty's Colonies, but I have had an experience too practical and painful to allow me to be an unconcerned spectator of the manner in which the coolie trade is too frequently conducted.

I have the honour to inclose another copy of Mr. Medhurst's article on the social relations in China, which was printed in the transactions of the Chinese branch of the Asiatic Society.

I have, &c.

(Signed) JOHN BOWRING.

No. 32.

Mr. Sulivan to the Earl of Clarendon.—(*Received March* 21.)

(Extract.) *Lima, January* 21, 1855.

THE proclamation published in the Government Gazette of Hong Kong prohibiting the conveyance of Chinese labourers to the Chincha Islands on board British vessels, has alarmed the proprietors, many of whom are British subjects, and Mr. Peter Conroy, on his own part and on the part of Señor Robinett his brother-in-law, has expressed his hope that no impediment will be placed to Chinese immigration to Peru; he has shown to me one of Señor Robinett's contracts, in which it is expressly stated that no Chinese is to be made to work in the Chincha Islands, and he has assured me that in all those contracts that clause is inserted.

No. 33.

Sir John Bowring to the Earl of Clarendon.—(*Received March* 31.)

Superintendency of Trade,

My Lord, *Hong Kong, February* 3, 1855.

MY despatch of 18th December referred to a communication I had received, through Mr. Consul Robertson, from the Peruvian Consul at Canton on the subject of coolies conveyed to the Chincha Islands, and as your Lordship's despatch dated 8th December, confirms the assurance given by the Peruvian Government, I have issued the notification, of which a copy is inclosed, removing the prohibition announced in the "Gazette" of the 11th September last, regarding the shipment in British vessels of Chinese labourers to the said islands.

I have, &c.

(Signed) JOHN BOWRING.

Inclosure in No. 33.

Government Notification.

Diplomatic Department.

WHEREAS Her Majesty's Government has been officially informed that measures have been taken to correct the abuses connected with the transit to and employment of Chinese labourers in the Chincha Islands, the prohibition against Her Majesty's subjects being engaged in the conveyance of Chinese subjects to the said islands, announced by proclamation in the "Hong Kong Gazette" dated the 11th September, is hereby withdrawn.

By order.

(Signed) W. WOODGATE,

Officiating Secretary in the Superintendency of Trade.

Victoria, Hong Kong, January 29, 1855.

No. 34.

Sir John Bowring to the Earl of Clarendon.—(*Received March* 31.)

Superintendency of Trade,

(Extract.) *Hong Kong, February* 8, 1855.

I HAVE the honour to forward to your Lordship copy of a despatch dated Amoy, 30th ultimo, from Mr. Acting Vice-Consul Winchester, on the subject of coolie emigration from that neighbourhood.

Your Lordship may be assured that if the intentions of obtaining women to accompany male emigrants be carried out, the object can only be accomplished, on any considerable scale, by the direct sale or the covert kidnapping of females.

Inclosure in No. 34.

Acting Vice-Consul Winchester to Sir John Bowring.

Sir, *Amoy, January* 30, 1855.

IN compliance with the instructions to keep Her Majesty's Government informed of the progress of coolie emigration, I have the honour to acquaint your Excellency that the British ship "Zetland," 1,283 tons, chartered to take coolies from this neighbourhood to Peru, and consigned to Messrs. F. D. Syme & Co., arrived here on the 13th instant.

Mr. Consul Parkes will probably have informed your Excellency that he at once applied to the consignees, to learn whether the emigrants were to be shipped at Amoy, and the destination of the vessel, and was assured that they were to be taken on board at some distance from this along the coast, and that their services were intended, not for the digging of guano in the Chinchas Islands, but the construction of a railway in the continental territory of Peru.

About the time Mr. Parkes was leaving, I was told that the proceedings of the crimps were calculated to create an impression that the coolie trade was about to be resumed in Amoy. I deemed it desirable, therefore, to take an early opportunity of repeating to Mr. Syme what I was aware had been strongly enforced on him by my chief; viz., the danger of operating from Amoy as a basis of coolie emigration. I warned him that no support was to be expected from this office, and that it might be my duty, if called on by the local authorities, or by the apprehension of such an outbreak as occurred in November 1852, to take active measures to preserve the legitimate commerce of the port from the risks to which it might be exposed. I impressed on him that a considerable section of the population of this city were opposed to the system; that the collection of large bodies of emigrants, according to the former practice, was certain to create irritation, and the necessity of exercising a vigilant superintendence over the proceedings of his brokers, so that only voluntary emigrants might be shipped, and all imputation of kidnapping be avoided.

I gathered from Mr. Syme that it is intended the "Zetland" shall be anchored beyond Ngo-soo, probably at Ting-tai Bay, about twenty miles distant from the port. He promised that there should be no collections of men in the neighbourhood of Amoy, and that he would exert every possible supervision over the acts of his brokers.

I confess that I cannot see this prospective renewal of emigration without apprehension. I make no doubt, should the "Zetland" succeed in obtaining a suitable cargo, it will be resumed here by the parties in charge of the Havana contract. It is understood that at Swatow men can no longer be procured with the same facility, and the temptation once more to try Amoy will become too strong to be withstood.

I am well aware that there is no express authority to interfere with the shipment of Chinese emigrants in British vessels to foreign countries from the dominions of the Emperor; but, carried on as the system is through the medium of native agency, it can always be checked through the action of the mandarins; and should it appear advisable, I will not fail to apprise them that I am prepared to afford them every necessary support.

With the north-east monsoon emigration was resumed at Swatow, and I have to report to your Excellency the following particulars:

Left in American vessel "What Cheer," for Honolulu - -	200
Left in Spanish vessel "Bella Gallaga," for Havana - - -	400
Left in English vessel "Roxburgh Castle," for Havana -	600

Two English vessels, "Martin Luther" and "Carpentaria," of 1.241 and 1,460 tons respectively, are at, or on their way to, Swatow.

The parties in Havana who have taken the existing contract are, I am told, under obligation to supply a certain number of female emigrants;

and the attempt to ship them will shortly be proceeded with at Swatow. I venture to predict it will have so little success that it must be soon abandoned. In the meanwhile, no small mischief may be the result.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

No. 35.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, April* 7, 1855.

I HAVE to acquaint you that I approve of the notification issued by you, and of which a copy is inclosed in your despatch of the 3rd of February last, removing the prohibition which you had previously issued regarding the shipment of Chinese coolies for the Chincha Islands in British vessels.

I am, &c.
(Signed) CLARENDON.

No. 36.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, April* 7, 1855.

I HAVE received your despatch of the 8th of February last, inclosing a copy of a despatch from Mr. Acting Vice-Consul Winchester, on the subject of coolie emigration from Amoy, and I have to state to you that I approve of Mr. Winchester's language and proceedings in this matter.

I am, &c.
(Signed) CLARENDON.

No. 37.

The Earl of Clarendon to Sir John Bowring.

Sir, *Foreign Office, April* 23, 1855.

WITH reference to former correspondence, I transmit to you herewith a copy of a despatch* from Her Majesty's Chargé d'Affaires at Lima relative to the shipment of Chinese coolies to the Chincha Islands.

I am, &c.
(Signed) CLARENDON.

No. 38.

Sir John Bowring to the Earl of Clarendon.—(Received April 30.)

Superintendency of Trade,
(Extract.) *Hong Kong, March* 2, 1855.

I HAVE the honour to forward to your Lordship a copy of a communication from Mr. Acting-Consul Winchester, dated Amoy, 14th February, giving information respecting a contract entered into by the French Government for a supply of 900 Chinese emigrants, intended for the colonies of Guadaloupe and Martinique.

The same despatch states that the "Carpentaria," chartered, as I understand, to take in coolies for a British colony, is loading at an illegal port, and beyond Consular control.

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* No. 32.

Inclosure in No. 38.

Vice-Consul Winchester to Sir John Bowring.

Sir, *Amoy, February* 14, 1855.

I HAVE the honour to report to your Excellency that a contract has been made for the introduction of 900 Chinese immigrants to the French colonies of Guadaloupe and Martinique, during the present year, between the Minister of Marine and Colonies, M. Théodore Ducos, for the Colonial Governments, and two merchants of Hâvre, MM. Malavigne and Ridet.

One-sixth of the whole number are to be women, but on this head the contractors will be excused if they can prove the impossibility of procuring females.

The emigrants will be shipped under the law enacted by the French Government relative to this subject, which enjoins ample space and comfort, and contains, with many excellent and humane provisions, some minute regulations that appear scarcely necessary to a well-regulated emigration from this country.

According to the Ordinance, the shipment ought to be made under the superintendence of a special Emigration Agent; and the whole contract, I believe, to be subject to the control of his Excellency M. Bourboulon.

The coolies for the "Zetland" are collecting at Kam-bay, the Catholic village near the Nantae Pagoda, and I hear with pleasure that the mandarins have permitted the body of Changpoo insurgents, reported as having shut themselves up in the Old Fort, commonly supposed to have been erected by Kok-sing-a, to join the emigration.

About a week ago, 190 emigrants were dispatched in a lorcha from Ngo-soo to the "Carpentaria," loading at Swatow.

I have, &c.

(Signed) CHARLES A. WINCHESTER.

No. 39.

Sir John Bowring to the Earl of Clarendon.—(Received April 30.)

Superintendency of Trade,

My Lord, *Hong Kong, March* 5, 1855.

I HAVE the honour to acknowledge your Lordship's despatch dated 6th January, on the subject of Chinese emigrants conveyed to the Chincha Islands.

I cannot but rejoice in the solicitude displayed by Her Majesty's Government to check the horrible abuses connected with the shipment of coolie emigrants. A frightful case has just occurred at Amoy, where a British vessel, the "Inglewood," Captain Burton, has been stopped, having on board forty female children, the eldest only eight years of age, who had been kidnapped or purchased at Ningpo. The facts were reported to the Vice-Consul at Amoy by some of the sailors, who suffered from the stench, misery, and disease of these poor, unprotected little ones. The subject is under investigation, but there is infinite difficulty in dealing with it, the principal parties being Spanish and Portuguese subjects. I have more than once pointed out to your Lordship the consequence of the attempts to obtain female emigrants from China, which I observe is made a condition in the Spanish, and, in a modified form, in the French contracts. I beg to state that the "Inglewood" was consigned to the house of a British subject, he being the Spanish Vice-Consul, and the principal Emigration Agent. He repudiates all guilty knowledge of the business. I am in communication with the naval Commander-in-chief on the subject, to which I shall again refer when the depositions reach me.

I have, &c.

(Signed) JOHN BOWRING.

No. 40.

Sir John Bowring to the Earl of Clarendon.—(Received April 30.)

Superintendency of Trade,
My Lord, *Hong Kong, March* 6, 1855.

HAVING, as stated in my despatch dated yesterday, been in communication with Sir James Stirling, the naval Commander-in-chief, on the subject of the "Inglewood," I have received from his Excellency a despatch, of which I have the honour to inclose a copy, and which I have also sent to Mr. Vice-Consul Backhouse. Your Lordship shall receive further details when the investigation is completed; but in the meanwhile, I wish your Lordship should know that no time has been lost in endeavouring to check these intolerable abuses.

I have, &c.
(Signed) JOHN BOWRING.

Inclosure in No. 40.

Rear-Admiral Sir James Stirling to Sir John Bowring.

Sir, *"Winchester," at Hong Kong, March* 4, 1855.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 2nd instant, inclosing a despatch from the Acting Vice-Consul at Amoy, and I learn from it with great surprise that any British merchant-ship can have taken part in a transaction of the nature therein described.

I shall give instructions that whenever cases of the kind shall fall under the notice of any of Her Majesty's ships under my command, that the Commander shall immediately put in full force and effect the Anti-slavery Acts of Parliament.

I have, &c.
(Signed) JS. STIRLING.

No. 41.

Acting Secretary Woodgate to Mr. Hammond.—(Received April 30.)

Office of the Superintendent of Trade,
Sir, *Hong Kong, March* 14, 1855.

IN reference to his Excellency Sir John Bowring's despatch of 5th instant, I have the honour to forward herewith, for the information of the Right Honourable the Secretary of State for Foreign Affairs, copies of three despatches received this day at this office from Mr. Acting Vice-Consul Winchester, in charge of the Amoy Consulate.

I have, &c.
(Signed) W. WOODGATE.

P.S.—The accompanying despatch, bearing on the subject of emigration from China, I have thought it my duty to transmit it, in addition to the above.

W. W.

Inclosure 1 in No. 41.

Vice-Consul Winchester to Sir John Bowring.

(Extract.) *Amoy, March 2, 1855.*

I AM to detail to your Excellency my proceedings in reference to the unfortunate female children brought here by the "Inglewood."

My first step was to pay a visit to these poor unfortunates in company with Mr. Sinclair, the result of which your Excellency will find stated in the inclosed memorandum.

After much anxious deliberation, I felt it would be inconsistent with my duty to abstain from reporting the matter to the Haefang, who is in charge during the absence of the Taoutae; and I directed Mr. Sinclair to make this communication at a personal interview, in the manner most calculated to leave the Military Prefect perfect liberty of action, and to show that we were not anxious to throw the children on his hands as a burden we wished to get rid of.

The Haefang most promptly declared the utter illegality of this transaction, and expressed a hope that the master and the shipper might be both punished. He intimated that he would acquaint us with his views respecting the children in the course of next day.

In the meantime, besides seeing to the most necessary arrangements for the comfort of the children, I employed myself in taking the more important of the depositions, and the declaration inclosed.

Finding the day had elapsed without any intimation from the Haefang as to the children, I deemed it my duty to inclose copies of depositions, &c., to Mr. Conolly, Acting Portuguese Consul, for the information of the Governor of Macao, and to call upon him officially to aid me in protecting them from any clandestine attempt of Martinez to possess himself of their persons. I made a similar request to him as Acting Spanish Vice-Consul.

I had scarcely dispatched these letters, which your Excellency will find accompanying this despatch, before the Haefang intimated that, after having consulted the Admiral, he was prepared to take charge of the children, with the view of betrothing or placing them as servants in families in the neighbourhood. I sent the Consular messenger with his Wei-yuen to see the children, and they were to be taken charge of by him to-day.

The Haefang at first expressed a wish that the interpreter should visit the children with him; it appears, however, that he has since deputed his principal officer to the office of conveying them to Amoy. I have instructed Mr. Sinclair, if a favourable opportunity should occur for impressing upon the Haefang the propriety of treating these unfortunates with kindness and humanity, to do so, and as an assistance to his argument to state that the care of these children was not thrown upon him as a burden we wanted to relieve ourselves from, but that I was prepared, in event of his declining, to have pledged the honour of my Government for the expenses necessary to their being placed in a position which would ultimately lead to their becoming free, and probably useful, members of society.

The Consular messenger who attended on the occasion has just reported to me the total number of the children taken charge of by the Haefang's people as forty-four.

Her Majesty's sloop "Racehorse" having arrived yesterday evening from Shanghae, I have communicated all my proceedings and the depositions, &c., to Captain Barnard, who will determine whether it is his duty or not to seize the vessel.

I find that I have omitted, in speaking of the course of allowing the children to proceed to their destination, to add that I only contemplated such a step under the faith of a guarantee from the Portuguese Vice-Consul here that the children's arrival should be reported to the Govern-

ment of Macao, and that they should not be withdrawn from its supervision till their ultimate fate could be determined by Governor Guimaraes and your Excellency.

I should conceal from your Excellency my sentiments, if I did not say that the real intention and destination of this shipment is still a mystery. As soon as the captain is better, I shall proceed to question him according to the permitted forms where a party stands suspected of an offence; nor have I given up hopes of tracing the letter addressed to Hokien, but it seems politic to let the matter rest a little first, before proceeding to make inquiries which would at present immediately put the parties on the alert.

In connection with this shipment, my mind has several times reverted to those contracts which include what is called the emigration of a certain number of women. But beyond the general suspicion which their terms create, I have not been able to satisfy my mind by any tangible proofs that this is the case. Should Martinez turn up, I shall press his examination and punishment by Mr. Conolly, and am of opinion that certainly at Ningpo, and probably at Macao, important information on the matter may be obtained.

Having taken the depositions in duplicate, I forward an original set to your Excellency, that they may be available in event of the case being removed to Hong Kong, and have therefore not numbered the inclosures in the usual way.

I earnestly hope that this account of my proceedings may be satisfactory to your Excellency, whom I shall not fail to keep advised of all that passes in relation to the subject, which has been to me one of the deepest anxiety and care.

Inclosure 2 in No. 41.

Memorandum.

ACCOMPANIED by Mr. Sinclair, I proceeded on board the "Inglewood," where we found a person who showed us the house in Koolongsoo where the young female children were lodged. The captain was sick and in bed, and as I had that morning received from Dr. Hirschberg an account that he was in a great state of mental excitement, and labouring under fever, I did not ask to see him, but contented myself with directing the chief officer to come to me at the Consular Office, when we returned to Koolongsoo.

We found the children, forty-four in number (as was afterwards ascertained, on the Haefang taking charge of them), in a house situated in the northern village of Koolongsoo. They were under the charge of two Chinese cooks, who had been hired to attend them at Chin-hae; several Amoy females of respectable appearance were tending them. The children, with one or two exceptions, seemed in general good health, but were many of them affected with itch, scabies, porrigo capitis, &c. &c.

However disgusting the sight, and I confess myself to have been greatly affected by it, the children seemed tolerably cheerful, and certainly showed no appearance of personal ill-treatment. They were being washed and cleaned, the elder by themselves, and the younger by their Amoy female attendants. We saw that there were several bags of rice, dried fish, and other provisions in the house for their use. They were as comfortably housed and fed as the children of such poor people would be at home.

The cooks said they were waiting for the Portuguese who had bought the children, to come to Amoy, and thence to go on to Macao with them; that all the money they had received from Martinez was, each an advance of one month's personal wages. They had been bought, according

to the story of the cooks, from their parents at from five dollars to eight dollars a-piece, at Ningpo, Chin-hae, and Tsze-ke.

I impressed upon the attendants the propriety of treating the little creatures with humanity and kindness, and left for the Consulate Office.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul in charge.

Amoy, February 27, 1855.

Inclosure 3 in No. 41.

Deposition.

RICHARD SANDECOMBE, aged 29, born at East Loo, in Cornwall, duly sworn in the usual form, saith:

I am chief mate of the "Inglewood." I know Martinez. I saw him about a day or two before these children came on board; he then told me he was to bring them. He told me he was born at Macao, and of Portuguese origin. He was rather fair for an Asiatic Portuguese, and had European features; he was about five feet four inches; very slender; he had a short flat nose; his hair was dark brown; his eyes dark; he had on a pelisse-coat, furred on the inside; a pair of green tartan trowsers; he had a pair of thin black whiskers, and thin dark moustache. He talked very good English, and I believe he could speak Chinese very fluently; I mean the Ningpo dialect, which the interpreter of the ship told me he could speak perfectly.

I first saw him on board the ship about a month ago, and it was the day before the children came on board. The children were shipped on a Sunday at Chin-hae, after the vessel had left Ningpo; it was, I believe, the 4th of February; we were two days dropping down off Chin-hae before the children came on board; we got on shore on the mud-flat, and lay there four days. As soon as we got on shore, the children were taken out and lodged in a house on the other side of the river from Chin-hae; and they did not come off till the ship was afloat again.

I don't know Martinez' first or Christian name. I asked him where they were going to, and he replied they were purchased for the Spanish Government at Manilla, and were going to work in the cigar factory there. He told me that in plain English, so that there could be no mistake as to his meaning. He told me that the children had cost him from three to five dollars each, and gave me to understand that they did not belong to him personally, but to a man of the name of Robino, at Ningpo.

It was the intention of Martinez to have accompanied the children; but after the children were embarked the second time, he was taken ill of fever, of which he chiefly complained. He told me when he got the children to Amoy, he intended to ship them in the first vessel which was going to Macao, and from Macao they were to be forwarded to Manilla.

Martinez had taken up his quarters on board the ship with his luggage before he went on shore, sick. He, Martinez, at the time he went on shore, told me that the captain had offered him the passage-money back. He said he would take the children back, if the captain would pay him the expense which he had been at since the children had left Ningpo. The captain refused to do so. Martinez told me there was a letter on board given to the interpreter of the ship, named Chongheen, addressed to a man in the employ of Tait and Co.; not addressed to the firm of Tait and Co. Martinez told me he hoped to be in Amoy as soon as the ship, if he got better, as he did not doubt he would. He did not say how he was to come down.

Martinez did not tell me to whom the letter was addressed; he simply said it was to a man in Tait's office. I had no idea to what countryman it was written.

Chong-Jeen lives now on shore with Tan-Tanhet, the supercargo of the vessel.

The children were provided with rice, dried shrimps, and sweetmeats, on the way down, and were attended to by two Chinese, who came on board at Chin-hae before we sailed. The first two men who attended to them were dismissed, one of them for stealing the children's bedding, and were replaced by these two who are with them on Koolongsoo. These two men cooked for them, and attended to them altogether.

The stench from the children at times was very bad; they were all sea-sick; there was a water-closet in their cabin, and they had soil-pails; but the place was too small for such a number; they could manage to sit down comfortably.

I have no doubts in my own mind that the captain of the "Inglewood," Richard Burton, knew what these children were as well as I did myself. I have no doubt that the captain knew they were purchased children. He was at first averse to taking them, but was over-persuaded to do so. I understood this from another Portuguese, who first came to treat about their passage about a week before they came on board. The captain never consulted me about taking them beyond telling me they were coming. I did not remonstrate against taking them on board at the time. I pitied the children, and thought it was a sad thing to see them bought and sold in that way. I did not like their coming on board; but it was not my business to say anything. I am not dissatisfied with the ship, and am on good terms with the captain.

Nobody came on board at Amoy to inquire after the children, or to relieve the ship from them. There has only been one man, who came on board yesterday evening, to inquire where the children had been put.

All that I have said is the truth, so far as I know it.

(Signed) RICHD. SANDECOMBE.

Sworn before me, at Amoy, this 27th day of February, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul.

Inclosure 4 in No. 41.

Declaration.

O-CHONG-ENG, aged 28, born at Singapore, saith:

I am not a Christian. I am English interpreter of the ship "Inglewood." I can read English a little, both printed and written.

Antonio Martin gave me a letter to Chin-hae, which he said was about the children. He told me to take the letter, when we arrived at Amoy, to Tait's office. I replied that the letter was for a Chinaman whom I did not know. The name of the address on the letter was Ho-kien. The letter I was to deliver to Tait's office at Amoy was a Chinese letter in its outside appearance.

I know that the children we brought down in the "Inglewood" from Ningpo, were bought children. The passage money for them belonged to the captain, not to Tan-Tan-het, the supercargo.

I know Martinez; he was a Portuguese; he spoke English well, and the Ningpo dialect. He said he had been at Ningpo four or five years. He was a Macao man. I don't know whether these children belonged to him or Robino.

Besides the letter for Ho-kien, in Amoy, which I was to take to Tait's office, Martinez gave me two other Portuguese letters addressed to Macao. I have not got them now; I left them with Mr. Connolly; I gave them into his hand.

Martinez never said to me that Mr. Connolly, or Tait and Co., would take any charge over the children; all he said was to deliver the letters there, which I did.

Martinez told me these children were to go to Manilla to make cigars, after being first taken from Amoy to Macao.

I declare solemnly what I have stated to be the truth.

(Signed) O-CHONG-ENG.

Declared to and signed before me, at Amoy, the 27th of February, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting British Vice-Consul, in charge.

Inclosure 5 in No. 41.

Deposition.

JOHN CONNOLLY, aged 32, of the firm of Tait and Co., a native of Ireland, being duly sworn in the Catholic form, depones:

On the arrival of the "Inglewood," the supercargo's interpreter came on shore to our office, the ship being consigned to us; as usual with these people, he delivered me all the letters he told me he had. There were none addressed to the house or myself. There were two Chinese letters, and one addressed to a M. Gonsalvez, in Macao. The Chinese letters were given to one of our Chinese servants, who was told to distribute them to their addresses. The letter for Macao was put into the despatch-box as usual, and I believe it has gone there. I took no particular notice of these letters, further than forwarding them in the usual way, because they were delivered to me without any observation.

O-chong-Eng told me the vessel had been aground once or more, but he said nothing about passengers, and I did not ask if there were any on board. This was on Saturday. I afterwards heard from the captain the same evening that he had some passengers on board; he said they were children, but did not mention their number, and wished that the parties concerned would take them away, as they were a great inconvenience. He mentioned his hopes that they might be transferred to a lorcha, but I was busy, and paid little heed, not knowing that there was anything unusual or requiring special interference.

I have seen the deposition of the mate of the vessel, and with respect to what he mentions of Martinez I know nothing at all; he is entirely a stranger to me. To the best of my belief he is also a stranger to every other person in our house. I had not even heard of him before his connection with this case.

With regard to the children being intended for Manilla, I believe such is not the case, that there is no such intention. If such were the case, I should likely have known it officially. Nothing of the kind has ever been intimated to me.

None of our servants in the house are allowed or are in the habit of conducting business of any sort, unless under the direction of the principal, and therefore I suppose the mention of some of our servants could only have been made to Captain Burton to induce him to take them. There was no authority for any such business.

I repudiate and deny any connection in any possible way, mediately or immediately, with this shipment, with which neither I nor Tait and Co. have anything to do.

(Signed) JNO. CONNOLLY.

Sworn and signed before me, at the British Consulate, Amoy, this 28th day of February, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

Inclosure 6 in No. 41.

Deposition.

HENRY JULIUS HIRSCHBERG, Member of the Royal College of Surgeons, London, a native of Prussia, aged 40, duly sworn, depones:

I am now attending medically Captain Burton of the "Inglewood,"

and the ship generally. The captain is suffering from continued fever; is at present in a state of great irritability and excitement, and does not give correct or exact answers.

Besides the captain, the second mate and an American acting as a steward are suffering under the same disease, in more or less advanced stages; both are at present delirious.

The cause of this sickness is evidently the smell and stench of the forty-seven young children, who were on board in an adjoining cabin, most of which young children are suffering from diseases of the skin. The chief mate has escaped illness, but I understand that he kept purposely out of the way.

I was called on board on Saturday evening, and again went on board on Sunday morning.

On Saturday night I did not see the children, but on Sunday morning, when I was there, the door of the cabin was opened by a Chinaman. I felt immediately a most oppressive stench, and I had a serious headache during the whole day, and felt sick several times.

I consider the cabin which I saw was much too confined for such a number of children.

I recommended them to be immediately removed from the vessel. But whether it was done from my recommendation I do not know.

The captain is not at present a fit subject for examination, and I am anxious to have him removed on shore.

I have not been called on to attend to the children personally by any one.

(Signed) H. J. HIRSCHBERG.

Sworn before me, at the British Consulate, Amoy, this 28th day of February, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

Inclosure 7 in No. 41.

Vice-Consul Winchester to the Acting Portuguese Consul at Amay.

Sir, *Amoy, March* 11, 1855.

I HAVE the honour to inclose you, in your capacity of Acting Portuguese Consul at this port, deriving your authority more immediately from the Government of Macao, the following documents for the information of his Excellency the Governor of that Colony, charged with the general superintendence and control of Portuguese subjects in China, viz.:

1. True copy of deposition of Richard Sandecombe, Chief Mate of the British ship "Inglewood."
2. True copy of deposition of John Connolly, Esquire, a British merchant trading at Amoy.
3. True copy of deposition of Henry Julius Hirschberg, surgeon at Amoy.
4. True copy of declaration of O-chong-Eng, supercargo's interpreter of the "Inglewood," a native of Singapore.
5. A memorandum of my visits to these children, under my hand and seal.

From the documents—the main facts stated in which have been admitted to me by the master, who is however too ill to be examined—you will perceive that forty-seven female children, of tender years, purchased from their parents and guardians at Ningpo, were shipped through the agency of Antonio Martinez or Martin, a Portuguese of Macao, on board the "Inglewood," for Amoy.

This shipment was not reported at the British Consulate at Ningpo, and was made in a clandestine manner by the master of the "Inglewood."

These forty-seven girls were placed in the charge of two Chinese cooks, who stated to Mr. Sinclair that they each received a month's advance of wages from Martinez, but no other funds of any description.

No sufficient provision was made by Martinez for their comfort on the voyage, where they were huddled into a cabin so confined, that the result has been a pestilence in the vessel; or for their sustenance at Amoy, where no one has appeared to claim them. They are now supplied with food and necessaries under my official directions, by the English firm of Tait and Co., who are the agents of the ship.

A clearer case of slave-trading it is impossible to suppose, and the master of the "Inglewood" will be held amenable for the violation of the laws of his country.

The faith of Portugal and England has been so often interchanged in Treaties, Conventions, and Decrees, for the abolition of all foreign trade in slaves, and the conduct attributed on the evidence inclosed to Martinez, is so plain a violation of the laws of the colony of Macao, which apply to all Portuguese in China, and will, I firmly believe, be so certainly condemned by his Excellency Senhor Guimaraes, that I feel justified in requesting you in your official capacity to interdict and prohibit Antonio Martinez, or any other Portuguese subject whatsoever, from asserting any right or property whatsoever in these children, or from removing or attempting to remove them, or any of them, without our joint cognizance and consent, from their present habitation in Koolongsoo. I make this request to you in the spirit of the Treaty engagements existing between Great Britain and Portugal, which on the subject of foreign Slave Trade are of the most binding nature.

I have also the honour to request, that on the arrival of Martinez, or other Portuguese subject on his behalf, you will be pleased to examine him in reference to these children, and to communicate to me a copy of such examination.

I have already communicated by the "Mazeppa" the principal facts of this case to his Excellency Sir John Bowring, Her Britannic Majesty's Plenipotentiary, &c.; and as I felt it my duty that the local Government at Amoy should not be led to suppose such shipments were permitted in British vessels, I directed Mr. Sinclair to state to the interim principal authority that it had, however illegally, occurred in a British ship. The Haefang's answer was, that such purchases by foreigners in China were illegal, and that he hoped both the shipper and the master would be punished: as he has not been pleased to give any directions regarding the children within the time he appointed for so doing, it is possible he may not consider it advisable to interfere; under the circumstances I do not think it would be humane or right in me to press him.

The fate of these children is a matter of the most urgent moment, and I feel called on to pledge—subject to the sanction of his Excellency Sir John Bowring—the credit of the English Government for the disbursement of whatever funds may be necessary for placing them in a position where they may ultimately become useful and free members of society, or in fulfilling any wishes which the Chinese authorities may indicate regarding them.

I invite you to do me the favour to discuss this matter at a personal interview, when we may be able to consult on all its most important bearings.

Receive, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure 8 in No. 41.

Vice-Consul Winchester to the Acting Spanish Consul at Amoy.

Sir, *Amoy, March* 1, 1855.

A STATEMENT has been made to me that forty-seven Chinese female children, of tender years—purchased from their parents and guardians in Ningpo and its neighbourhood—brought here illegally by the British ship "Inglewood," and now supported by my official directions in a tenement in the northern village at Koolongsoo, are intended for the Government cigar factory at Manilla.

I do not believe this for a single moment, but beg to call on you, in the name of the numerous obligations which exist between Great Britain and Spain for the prevention of slave-trading, to interdict and prohibit any Spanish subject or subjects whatsoever from asserting any right or property in these children, or removing or attempting to remove them without our joint knowledge and consent.

Receive, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure 9 in No. 41.

Vice-Consul Winchester to the Acting Portuguese Consul at Amoy.

Sir, *Amoy, March* 1, 1855.

SINCE I had the honour of addressing you, the Haefang has intimated to me his intention to take charge of the young female children brought here in the "Inglewood," who are to be betrothed or given away to Chinese people here, to be brought up as servants of families.

The Haefang has sent a person to visit them to-day, and intends removing them to-morrow.

I advise you of this as the official representative of the Government of which the shipper Martinez is said to be a subject, that you may act in the case as you see fit.

Receive, &c.

(Signed) CHARLES A. WINCHESTER.

Inclosure 10 in No. 41.

Depositions.

JOHN NORFOR, Middlesex, aged 27, seaman, ship "Inglewood," duly sworn, saith:

I remember these children coming on board in a very filthy state at Chin-hae, on a Sunday about 11 A.M., about the middle of February.

I thought myself, and it was the current opinion and talk of the vessel, that these children were bought to be sold again.

I heard the Portuguese, who brought the children on board, ask the captain if he could take two more. The captain told him in my hearing to put them amongst the rest, if he could find room. The two more were put on board. This was after the children came on board the second time.

I felt convinced in my own mind, from the circumstances and appearance of the children, that they were going to be sold. I don't think any one who saw it could have doubted it.

(Signed) JOHN NORFOR.

Sworn before me, at Amoy, this 2nd day of March, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

John Thomas Tucker, born in London, 32 years of age, being duly sworn, saith:

I am cook and steward of the "Inglewood." I remember the children coming on board off Chin-hae, about the beginning of February. There were more than forty children. A Portuguese gentleman came on board with them, and remained with them whilst the ship was aground. He then took them on shore on the other side of the river, abreast of Chinhae, to a large house, where they were to remain till the ship got off. I don't know how these children came into the possession of this Portuguese. I supposed that he had bought them in the way of traffic, as it was a strange thing for a man to have so many young female children. It was currently reported that the Portuguese had bought the children, and would

make a large sum of money by them. This I myself heard from an American passenger on board, now sick in hospital.

In my own mind, from the condition in which the children came on board, which was most deplorable, I did not doubt they were bought children.

There was a dreadful stench in the cabin and about the children. I got them on the poop the day before they went on shore here: it was really awful; the first mate ran away from the scene.

The Portuguese got sick before leaving Ningpo river, and left the ship. I never heard there had been any project to have the children taken out of the ship before sailing for Amoy, and going on without them.

The current rumour was, that they were to be sold to the cigar factory at Manilla.

I think the children left the ship at Amoy on Monday afternoon.

(Signed) J. T. TUCKER.

Sworn before me, at Amoy, this 2nd day of March, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

Joseph Lewis, born at Chepstow, aged 45, seaman, of "Inglewood," being duly sworn, saith:

I remember these children, and their coming on board in a bad state from disease and filth at Chin-hae, about the beginning of last month. I thought they were not in a fit condition to be at sea. The second mate, now sick in hospital, told me they were slaves. It was the general impression of the ship that it was so, and every one talked of it as such right fore and aft the ship.

(Signed) JOSEPH LEWIS.

Sworn before me, at Amoy, this 2nd day of March, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

Alexander Robertson, carpenter of the "Inglewood," aged 23, native of Aberdeen, duly sworn, saith:

I remember these children coming on board. There were first forty-two, and afterwards two or three more came. I have heard the whole number was forty-five; from seeing them I know there was more than forty. A Portuguese gentleman whose name I don't know came on board with them. The children were in a very dirty state when they came on board. I saw that.

I thought it a most extraordinary thing to see such a number of young female children brought on board. I never saw any such a thing before. I thought these poor creatures were not in a fit state to be on board of ship. A bumboat man at Ningpo made me to understand that some children were coming on board the ship who had been bought for so many dollars, and were to be sent to the cigar factory at Manilla.

The children were not sent on board at Ningpo, but came down to us in a lorcha, after we had been lying three or four days there.

From all that I heard and all that I saw, there was no doubt in my mind that these children were bought children; in fact, that they were slaves. That was the general impression in the ship, and was currently talked of.

The stench from the children's cabin, which was about 18 feet by 9 feet and 5 feet 10 inches betwixt decks, was excessive. The captain called me to get a bulkhead seam caulked, to prevent it entering his cabin, about the mouth of the Ningpo river; and he then expressed a wish that he had never taken them on board. At that time the captain said he could not sleep for the stench.

(Signed) ALEX. ROBERTSON.

Sworn before me, at the British Consulate, Amoy, this 2nd day of March, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

Inclosure 11 in No. 41.

Extracts from the Log of the "Inglewood."

Sunday, February 4, 1855.—At 11 A.M., received on board thirty-nine children as passengers for Amoy.

Tuesday, 6*th*.—At 11 A.M., ship touched the ground.

Wednesday, 7*th*.—M. Martinez, the person in charge of the passengers, took them on shore at 2 P.M.

Monday, 12*th*.—Hove the ship afloat by the stream cable.

Wednesday, 14*th*.—Received the passengers on board.

Tuesday, 20*th*.—Second mate sick off duty.

Saturday, 24*th*.—Brought up in Amoy harbour. Captain and second mate sick off duty.

Monday, 26*th*.—Landed thirty-nine passengers from Ningpo at 11 A.M

A true extract,

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

Amoy, March 2, 1855.

Inclosure 12 in No. 41.

Deposition.

YAP-TEAOU, messenger of the British Consulate, Amoy, aged 22, native of Fo-kien, a Catholic Christian, duly sworn on the cross, says:

I went to Koolongsoo yesterday afternoon, by order of the Acting Vice-Consul in charge, Mr. Winchester, to be present when the Haefang's officers took charge of the children who came in the "Inglewood" from Ningpo. I saw the children counted; they were forty-four in number, and the Haefang's officers took them over to Amoy in two boats.

The Ningpo men who were with them said, the children had been bought, some for 3, some for 5 dollars. From what I know of my own country, I am satisfied that all these children could not have been brought together unless they had been bought.

(Signed) YAP-TEAOU.

Sworn before me, at the British Consulate, Amoy, this 3rd day of March, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting Vice-Consul, in charge.

I certify that this witness understands English sufficiently to have emitted this affidavit without an interpreter, and that he is well acquainted with the obligations of an oath.

(Signed) CHARLES A. WINCHESTER.

Inclosure 13 in No. 41.

Vice-Consul Winchester to Captain Barnard.

Sir, *Amoy, March* 3, 1855.

I HAVE already forwarded to you, in original, the several depositions, declaration, memorandum, extract from log, &c., relative to the forty-four female children brought from Ningpo to Amoy, in the British ship "Inglewood."

It appears to me, that the depositions, &c., established a sufficient

legal presumption that the "Inglewood" did carry children who were bought, and therefore in the eye of the law slaves.

As a case of probable slave-trading, then, I beg leave to request you to take such steps as you may deem proper, within the exercise of the powers conferred on you by law.

The children have been taken charge of by the Chinese authorities, who are to furnish me with a written declaration that such proceedings are contrary to Chinese law in the same terms as they have used at personal interviews on the subject.

This shall be duly forwarded to you.

I have, &c.

(Signed) CHARLES A WINCHESTER

Inclosure 14 in No. 41.

Captain Barnard to Vice-Consul Winchester.

Sir, "*Racehorse*," *Amoy, March* 3, 1855.

I HAVE the honour to acknowledge the receipt of your letter of this day's date, as also the several documents and depositions with regard to the ship "Inglewood" being engaged in conveying female children between Ningpo and this port. Taking into consideration the circumstances of the case, I have determined to forward the particulars to his Excellency Sir James Stirling, for instruction; and as Her Majesty's ship "Bittern" will be sailing for Hong Kong immediately she arrives, I will take this opportunity of forwarding copies of all the letters for his consideration. In the meanwhile I have to request that the ship may not be allowed to leave the port in my absence, being about to proceed to the assistance of a ship stranded outside the port.

I have, &c.

(Signed) EDWD. BARNARD.

Inclosure 15 in No. 41.

Vice-Consul Winchester to Sir John Bowring.

Sir, *Amoy, March* 6, 1855.

IN continuation of my despatch of the 2nd instant, I have the honour to request the attention of your Excellency, and, through your Excellency, that of his Excellency Sir James Stirling, &c., to the very important letter of the Haefang to my address now inclosed.

Your Excellency will observe that the Haefang condemns this transaction as a grave violation of the laws of China; and in that sense has acted with the greatest promptitude. It is true this and other laws of China are often disobeyed; but that of itself, I conceive unless supported by strong proofs of the connivance of the Government, the utter want of power to enforce, or the confessedly obsolete character of the enactment, does not relieve a foreign friendly Power, occupying the relation we do to China, from its obligation to cause these laws to be respected by those under its control. In a technical sense, and in that only, the law makes the crime; but the law itself is enacted to repress offences previously existing, and essentially involves the idea of its own violation.

I have communicated a copy of the Haefang's letter to Captain Barnard, now at Hoe-tow Bay, rendering assistance to the stranded Peruvian vessel "Rosa A. Conroy."

The second mate and the young American are recovering slowly; but Dr. Hirschberg reported to me yesterday that the master was still in a dangerous condition, and that the consciousness of this affair was operating to aggravate all the symptoms of the disease.

I shall examine the two former as soon as they are fairly convalescent but shall refrain from arresting the master formally till Dr. Hirschberg assures me that the step may be taken without injury to his chance of recovery.

I have, &c.
(Signed) CHARLES A. WINCHESTER.

P.S. *March* 7.—Mr. Sinclair has just reported to me that he has been informed there are more than 100 female children collected on the Island of Loo-kong in the same way as those who came by the "Inglewood." If this is correct, it strengthens the suspicion that these children were intended to meet the stipulations of the coolie contracts, and affords additional reasons for the timely interference of the British Government over those under its control. Mr. Sinclair believes this to have originated from the two Chinese sent down by Martinez himself in the "Inglewood," people likely to know what he was doing.

C. A. W.

Inclosure 16 in No. 41.

The Maritime Prefect at Amoy to Vice-Consul Winchester.

Hienfung, 5th year, 1st moon, 16th day.
(Translation.) (*March* 4, 1855.)

THE trade in human beings is a grave offence against the laws of China, and I have the honour to acknowledge the receipt of the forty-four female children, whom you were good enough to put under my charge on the 2nd instant, and who, you informed me, belonged to the neighbourhood of Ningpo and Shanghae, and had been brought down from Ningpo in an English merchant-vessel.

The crime in the present instance is aggravated by the objects of the traffic being young children, of whom it is not impossible that some may have been kidnapped from their parents, hence the strict necessity for disallowing this kind of trade; and I feel it my duty to request the Honourable Consul to publish severe prohibitions against it, in order to extirpate this evil system.

Having provided food, &c., and nurses for the female children so received, besides medical attendance for those that are sick, I have made a general report of the matter to each of the high authorities at Foochoo, and beg, by official letter, to request you will strictly stop the trade complained of.

Inclosure 17 in No. 41.

Vice-Consul Winchester to Sir John Bowring.

(Extract.) *Amoy, March* 9, 1855.

I HAVE the honour to inclose, for your Excellency's information, copies of two letters I have received from Mr. John Connolly, in his Portuguese and Spanish Consular capacities, in reply to those I wrote him on the 1st March, and which your Excellency will find among the numerous inclosures of my despatch of the 2nd of March, sent per "Eamont."

I should not have troubled the gentleman with the accompanying reply to the Portuguese despatch, had not his reasoning entirely overlooked the two important considerations, that the acts of the mandarins were spontaneous, and the children left destitute on my hands.

P.S. *March* 10.—I have now the honour to inclose the original and very important deposition of Eli M. Boggs, an American, in connection with this affair.

C. A. W.

Inclosure 18 in No. 41.

The Acting Portuguese Consul at Amoy to Vice-Consul Winchester.

Sir, *Amoy, March* 8, 1855.

I HAVE the honour to acknowledge receipt of your two letters, bearing date 1st instant, on the subject of certain Chinese girls, brought here from Ningpo, in the British ship "Inglewood," said to have been put on board that vessel through the agency of one Antonio Martinez, who is represented as a subject of Portugal.

The provision made for the said passengers appearing to you inadequate, and the circumstances under which they came here appearing to demand it, you have thought fit to interpose your authority, and cause the said Chinese girls to be handed over to their authorities here, who have taken charge of them, I hope to benefit their condition. I shall duly forward to his Excellency the Governor of Macao, copies of the documents you have furnished me; also such remarks as the case appears to me to call for.

At present I have only to say, that the absence of the person said to have put these passengers on board the "Inglewood," precludes the possibility of my instituting any examination as to the nature of the arrangements under which they were on their way to Macao, as is alleged.

If they were wrongfully taken from Ningpo, the parties to such deserve severe punishment, and without doubt his Excellency Senhor Guimaraes will direct the same to follow any subject of Portugal who may be found to have offended its laws in such a manner.

If, on the other hand, these Chinese girls were under indenture from their parents to act as servants at Macao, a possible case, the course you have pursued with them will entail some difficulty.

In conclusion, I have only to state that I shall furnish you with a copy of any statement taken by me from the man Martinez, touching this business; but, except as appears in the depositions taken by you from the people of the "Inglewood," I am in ignorance of the existence of such a person in Ningpo; if any one, answering to the description given of him, should appear here, the parties to your depositions will, doubtless, be able to identify him.

I forward to his Excellency the Governor of Macao a copy of this communication, and have, &c.

(Signed) JNO. CONNOLLY.

Inclosure 19 in No. 41.

The Acting Portuguese Consul at Amoy to Vice-Consul Winchester.

Sir, *Amoy, March* 8, 1855.

I HAVE the honour to acknowledge receipt of your communication bearing date the 1st instant, informing me that forty-seven Chinese girls had arrived from Ningpo in the British ship "Inglewood," and that a statement had reached you that these people were intended to be sent to Manilla, to be employed in the cigar factory there.

The establishment in question is worked under the immediate direction of the Spanish Government; and I am not aware of any desire to engage the services of Chinese for that business.

It is difficult for me to account for the motive by which your informant was actuated in giving rise to a groundless statement, which

I observe you did not believe when you received it. I am thankful for the manner in which you drew my attention to the numerous obligations which exist between Great Britain and Spain, and can assure you that there rests no wish that any such should be overlooked, but the contrary.

I have, &c.
(Signed) JNO. CONNOLLY.

Inclosure 20 in No. 41.

Vice-Consul Winchester to the Acting Portuguese Consul at Amoy.

Sir, *Amoy, March* 8, 1855.

I HAVE the honour to acknowledge receipt of your despatch of this date, relative to the young female children brought from Ningpo in the "Inglewood," and sworn to have been shipped by one Martinez, a Portuguese.

In reference thereto I beg to remark that the steps taken by the Chinese authorities were entirely spontaneous, and in no way urged upon them by me; and that you were duly informed, in my letter of the 1st instant, of their intentions in time to have stated to them any such views as yours before me mentions, with respect to their being under indentures.

Except two Chinese cooks, entirely destitute of money, and having only received one month's advance of wages, no one appeared to be in charge of these children, or claimed to have anything to do with them.

They were supplied with food and the necessaries of life by the English firm of Tait and Co., with an express reservation that they did so solely as agents of the ship under my direction.

Under such circumstances, not to have reported their arrival to the Chinese authorities would have implicated the reputation of this office in a transaction, according to the depositions before me, both illegal and nefarious.

I shall have the honour to forward your favour, now acknowledged, to his Excellency Sir John Bowring; and beg you to inclose copy of the present answer to his Excellency Governor Guimaraes.

Receive, &c.
(Signed) CHARLES A. WINCHESTER.

Inclosure 21 in No. 41.

Deposition.

ELI MOORE BOGGS, native of New York, aged 19, being duly sworn, depones:

I first went on board the "Inglewood" about a month ago or more. The children came on board after I had joined the ship; they belonged to one Martinez, a Portuguese. The children first came on board at Chin-hae; were afterwards taken on shore, when the ship grounded; and then reshipped after she got off a little below Chin-hae. Martinez told me personally that he had bought the children from their parents, and that the most he had paid for them was seven dollars a-piece. He told me that he was going to send them to the Havana, to a large cigar factory. He spoke English very well, so that there could be no mistake. I believe he told some others they were to go to Manilla, but he distinctly said to me the Havana. He informed me that when [illegible] them to Macao, the Spanish Consul there [illegible] and [illegible] a profit of [illegible]

Martinez told me that he [illegible] that they were sick, and he could [illegible] children put on board in the firs[illegible] put on shore in an island opposite t[illegible]

I considered these children slaves. I saw Martinez whip one of the children; the girl made a reply in Chinese to Martinez, which Martinez interpreted to the captain in my hearing, to the effect that the girl said, "I have come to your hands to be killed, and I would as lief be killed now as by-and-bye."

The children were in a most filthy state, covered with vermin, and horrid diseases of the head and skin. The stench on board in their cabin, which was 9 feet, or thereabouts, long, by 6 feet wide, was dreadful. I have had a severe fever, the result of being near them; and there are five more persons in the hospital in the same state from that cause.

The two Chinese who attended on these children were mere cooks; they had no money, but were to get it from a Chinese to whom there was a letter sent.

I have seen some letters addressed to Martinez as Cora Martinez. Martinez left the "Inglewood" sick in the pilot's boat, before we finally left the island near the mouth of the river.

Martinez has a "lorcha" and five small boats at Ningpo, and has the Portuguese flag on board them.

I have heard Martinez telling Captain Burton, of the "Inglewood," what prices he had paid for the children. I am quite satisfied that the captain knew from Martinez all about their being bought.

I was acting as steward of the vessel, but got no wages.

(Signed) ELI MOORE BOGGS.

Sworn before me, at the British Consulate, Amoy, this 10th day of March, 1855.

(Signed) CHARLES A. WINCHESTER,
Acting British Vice-Consul, in charge.

Inclosure 22 in No. 41.

Vice-Consul Winchester to Sir John Bowring.

(Extract.) *Amoy, March* 3, 1855.

I REGRET that it should be my duty, at so short an interval, again to address your Excellency on the subject of coolie emigration, but the case of the children brought here by the "Inglewood," has so important a relation to those contracts of foreign colonies which stipulate for a certain proportion of women, that I find it necessary once more to request your Excellency's attention to the subject.

I give it as my unhesitating opinion, that in this and no other way can the required females be obtained; that the exportation of women in foreign vessels essentially involves slave-trading, inasmuch as such females must be bought—in violation, too, of the laws of China—to be put on board.

As a conclusion from this undoubted fact, I beg to suggest to your Excellency that prohibitory or warning proclamations against British vessels carrying Chinese female emigrants, unless with a certificate, under the hand and seal of a Consul, declaring their free condition, should be issued by yourself and his Excellency Sir James Stirling, the naval Commander-in-chief.

Yesterday Messrs. Tait and Co. dispatched from Ngo-soo 240 coolies to Swatow. Four hundred coolies are ready for the "Zetland," at Camboy, as soon as she can clear from the port. An American ship of 1,400 tons, chartered by Mr. Tait, has arrived from New York direct, and will, I suppose, proceed to Swatow.

Next week I shall send the constable, who is an intelligent person [illegible] understands the local dialect, to Ngo-soo and Camboy (if [illegible] observe what is doing there, for my infor-

[illegible] I have expressed my opinion [illegible] of men from China, as calculated [illegible] leave, and the colonies to which [illegible] as it is at present, without control,

I can only see in the future a great Asiatic Slave Trade, to repress which may require, on the part of England, squadrons as expensive as those employed against the African.

So long as the demand for emigrants keeps within the numbers voluntarily disposed to leave, matters are fairly enough conducted by the Chinese crimps; but the moment a number of large vessels, on heavy demurrage, arrive to increase the demand, the prices paid for the collection of men rise; the cupidity of the brokers incites them to iniquities which the merchants do not know, or find it their interest not to inquire into, and cannot control. The rate at which emigration ought to be carried on, cannot be judged of impartially by a merchant greatly interested in the numbers, and can only, if at all, be determined by a responsible Government officer, aided by respectable natives.

It is my opinion, which I state with great submission, but after much reflection, that Her Majesty's Government—allowing ample time for the winding-up all pending transactions, not clearly illegal—should, as a matter both of right and policy, restrain all British ships and British merchants from participating, aiding, or assisting, in any emigration whatsoever from this country, to any other than British colonies. If this is not done, I am satisfied that sooner or later the national character will be stained with disgrace; it is already so to a certain extent in the eyes of respectable Chinese, who never speak of this emigration under any other form of expression than that of buying men. Who, after what occurred at Amoy, in November 1852, will insure us against some general catastrophe, which will affect our legitimate trade and persons wholly unconnected with this system, as the result of what is going on?

The only contract emigration from China, in my humble opinion, which English ships and English merchants should be allowed to engage in, should be that carried on to our own colonies under the control of regularly appointed emigration agents.

No. 42.

Mr. Merivale to Lord Wodehouse.—(*Received June* 16.)

Downing Street, June 15, 1855.

My Lord,

WITH reference to your Lordship's letter of the 19th ultimo, accompanied by a despatch from Sir John Bowring,* relative to an emigration from Amoy to Martinique and Guadaloupe, which has been set on foot by the French Government, I am directed by Lord John Russell to transmit to you, in order to be laid before the Earl of Clarendon, the inclosed copy of a report from the Emigration Commissioners.

I am, &c.

(Signed) HERMAN MERIVALE.

Inclosure in No. 42.

The Colonial Land and Emigration Commissioners to Mr. Merivale.

Colonial Land and Emigration Office, June 6, 1855.

Sir,

WE have to acknowledge the receipt of your letter of the 25th ult[imo], accompanied by a letter from the Foreign Office [illegible]

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mercantile house at Amoy, for the supply of 900 coolies. The British Consul at Amoy, in reporting the transaction to Sir John Bowring, states that the emigrants will be shipped under the law enacted by the French Government, which enjoins ample space and comfort, &c.

3. We are not aware to what law reference is here made. The only Ordinance of the French Government with which we are acquainted, is one dated 27th March, 1852, which regulates, to a certain extent, the emigration from France and the French colonies to certain specified places, but would not apply to emigration from China. In July 1854, however, a Committee was appointed by the French Government to inquire into the question of emigration from French ports; and by this Commission a report was made, and a Bill (Projet de Règlement) prepared, but whether the latter has since become law, we are unable to state. This Bill relates exclusively to emigration from France, though it would no doubt be in the power of the French Government to give it greater extension; and we presume that it is to this that the Consul at Amoy refers.

4. In regard to the remark of Sir John Bowring, that the British ship "Carpentaria" is taking on board emigrants at an unauthorized port, we think it right to state that this vessel has not been chartered by us, nor is in any way under our control, nor have we any information on the subject.

We have, &c.

(Signed) T. W. C. MURDOCH.
C. ALEXANDER WOOD.

No. 43.

The Earl of Clarendon to Sir John Bowring.

(Extract.) *Foreign Office, June* 18, 1855.

I HAVE received your despatches of the 5th and 6th of March, and Mr. Woodgate's of the 14th of the same month, relative to the circumstances under which the British vessel "Inglewood," having on board several Chinese female children, who had been kidnapped or purchased at Ningpo, was stopped at Amoy on her way to Macao; and I have to state to you that, having consulted the proper Law Officer of the Crown, Her Majesty's Government are of opinion that the master of the "Inglewood" should be criminally proceeded against, under the 5th Geo. IV, c. 113, s. 10. The forfeiture of the ship should be sued for under sections 4 and 12 of the above-mentioned statute. Such forfeiture would, in the opinion of Her Majesty's Government, be the most effectual means of preventing similar transactions for the future.

No. 44.

Extract from a Letter from Mr. John Purdon to Captain John Burnett.—(Communicated by the Board of Trade, July 12, 1855.)

Chincha Islands, May 5, 1855.

WITH regard to the Chinamen, I am happy to say that there is a great change made to them for the better. I had a long chat the other day with the Governor and other officials of the island, and they tell me that 20 per cent. is taken off their daily labour, and one-third rations [illegible] them per day, and new huts are built for them—and